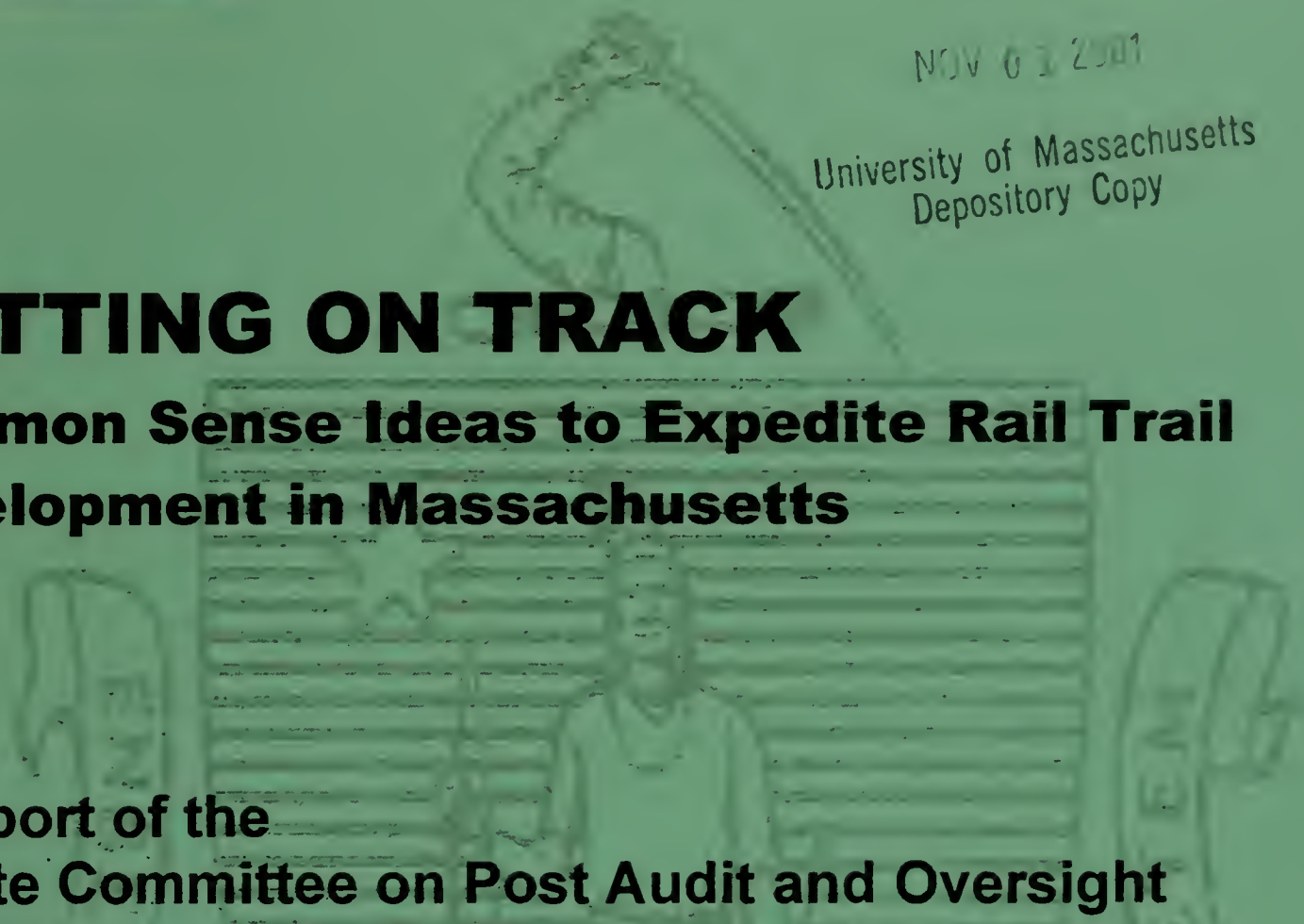

GETTING ON TRACK

Common Sense Ideas to Expedite Rail Trail Development in Massachusetts

A Report of the
Senate Committee on Post Audit and Oversight
May 2001

Massachusetts Senate
The Honorable Thomas F. Birmingham
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The Senate Committee on Post Audit and Oversight works to ensure that state government is accountable to the citizens of the Commonwealth. The Committee's charge is to monitor compliance with state laws, to act as a watchdog to protect taxpayers from waste and fraud, to evaluate the efficiency and effectiveness of state agencies and programs, and to recommend corrective actions through legislation, regulation, or administrative initiatives.

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EXECUTIVE SUMMARY

Rail trails are created when abandoned rail lines are converted into public trails for use as pedestrian walkways and bicycle paths. These trails provide a safe place for families to ride bikes or walk, and encourage people to exercise outdoors. Rail trails, which can have paved or unpaved surfaces, offer a great deal to the communities where they are located.

The effects of rail trails can include revitalizing downtowns when the trails run through or near urban/town centers, increasing the number of small businesses located near or on the trail, decreasing traffic congestion and air pollution by opening up another route for commuters who are willing to walk or bike, and increasing the area's tourism marketability. Massachusetts has several prominent rail trail success stories:

- *Cape Cod Rail Trail* -- Very popular among tourists and residents, this scenic rail trail stretches 26 miles through environmentally sensitive and beautiful coastal ecology. The trail has also acted as a catalyst for business expansion.

- *Minuteman Bikeway* -- Extending from Arlington to Bedford, this trail is one of the most popular trails in the country, with more than a half million users every year.

- *Norwottuck Rail Trail* -- Located in a rural setting, this trail in the western part of the state has a unique half-mile multitrestled bridge over the Connecticut River. It connects local colleges and town centers.

However, according to national experts, Massachusetts has a poor track record of completing rail trails and similar projects. An independent national report released in May 2001 ranked Massachusetts *last* in completing projects like rail trails. There are almost 100 bicycle and pedestrian projects waiting for review and funding by Mass Highway.

Massachusetts has an historic opportunity to build a network of rail trails that will serve as recreational gems for generations. However, the Commonwealth may squander that opportunity through a lack of vision and commitment.

A Rail Trail Believer

Lauren Hefferon of Arlington uses the Minuteman Bikeway on a daily basis. She chose her home based on its backyard proximity to the Bikeway, and even located her business along the trail. Lauren sees the trail as not only providing commuting and exercise opportunities, but also as a social venue where neighbors and people from the community meet and greet one another on the trail. She appreciates its value for young riders, and already knows that when her son is old enough, he will learn to ride a bike on the trail. As she was quoted in the Winter 2001 Rails to Trails magazine, "[rail trails are] the key to our urban sanity and salvation."

Learning from Other States

In the early 1990s, the federal government created a transportation enhancements program, designed to use federal transportation dollars for projects like rail trails and historic preservation. Since then, states from Florida to Washington have been busy constructing rail trails. Although the federal government provides money and guidance, states have a great deal of flexibility in how the programs are implemented.

Two nationwide studies of state spending on transportation enhancements projects, which include spending for rail trail projects, highlight concerns with how Massachusetts' transportation decision-makers choose to use federal dollars. **These reports reveal that Massachusetts ranks at the "bottom of the barrel" nationally at moving these projects forward.** Other states have become more innovative at managing the detailed application, design and construction processes for rail trail projects and can serve as models for Massachusetts.

Florida – A task force formed by the Florida Department of Transportation proposed decentralizing the federally funded transportation enhancements program and providing regional and local agencies with the ability to control, manage and implement their enhancements projects. As a result of innovative measures such as this, Florida was highly ranked by the National Transportation Enhancements Clearinghouse for the state's ability to effectively select projects, set aside funds and reimburse its communities. As of March 5, 2001, Florida has opened 56 rail trails with another 76 rail trail projects underway.

Vermont – The Enhancements Advisory Committee in Vermont includes citizen rail trail advocates, and the Committee places strong emphasis on quick turn around times for their enhancements projects. The popularity of the program continues to rise. Vermont has responded to the interest by devoting a significant section of the state's Bicycle/Pedestrian Plan to rail trail development and use, and by budgeting more state money, above and beyond federal requirements, to build new rail trails. For the past

two years, Vermont has ranked among the top ten states nationally in funding enhancements projects.

Recent Progress in Massachusetts
Over the last few months, Massachusetts has shown marked improvement in the development of rail trails. One major step forward was achieved when the MBTA, the second largest landowner in the state, reversed its policy in December 2000 of forcing communities to pay market value for abandoned rail lines. Cities and towns can now receive properties for no fee. In prior years, land acquisition costs had delayed numerous projects, creating a major bureaucratic hurdle to the development of rail trails.

Also in 2000, Mass Highway faced the prospect of losing $40 million in federal transportation money directed at pollution control if it was not obligated within the year. Mass Highway chose to distribute the funds to regional transportation agencies; this decision encouraged the agencies to fund rail trails and other bicycle/pedestrian projects. As a result, more than a dozen projects received some financial assistance or full funding.

Findings:

- Published reports by experts in the field and feedback by advocates and transportation planners indicate that Massachusetts has not made rail trail development a priority; as a result, there is a backlog of almost 100 bicycle and pedestrian projects waiting for approval or funding from Mass Highway.

- For the past several years, the MBTA has insisted that communities pay fair market value for abandoned railbeds – a policy that has delayed numerous trail projects. To its credit, the MBTA Board of Directors, led by Secretary Kevin Sullivan, has recently reversed its policy and will now allow the MBTA to transfer these properties to cities and towns for no fee. However, other concerns remain, such as encroachments into rights-of-way by neighboring land owners, and the lack of a clear policy for the transfer of rail corridors owned by other state agencies such as the Massachusetts Turnpike Authority (Mass Pike).

- Mass Highway's lengthy review process and high engineering design standards for rail trails are viewed as too rigorous by some engineers, transportation planners and advocates. The interminable waiting periods for review, approval and funding often result in frustration among local officials, and an inability to move rail trail projects forward. Other states have successfully streamlined the process for building rail trails.

- One category of federal funding that focuses on transportation-related pollution control provides an historic opportunity to build rail trails. These federal funds are in danger of lapsing if they are not spent soon. Last

year, Mass Highway's decision to release $40 million to its regional agencies allowed rail trail and bicycle/pedestrian projects to move forward. Over the next two years, there will be more than $75 million available from this funding source; funding that will start to lapse if not spent by October 1, 2001.

- Mass Highway has not historically embraced local community options that would allow rail trails built by federal dollars to be unpaved. Other surfaces, such as crushed stone dust trails, can be built at a fraction of the cost, are popular in neighboring states and meet all applicable disability access standards.

- Unlike nearby states, Massachusetts does not have a citizen advocate for rail trails on the state's Transportation Enhancement Steering Committee.

Recommendations:

- The Secretary of the Executive Office of Transportation and Construction should prioritize the bicycle/pedestrian backlog and submit a plan of action to the Legislature by December 1, 2001 describing how the backlog of bicycle/pedestrian projects will be addressed.

- The MBTA should aggressively implement its policy of transferring surplus property to Commonwealth communities for no fee for use as recreational trails. In addition, the MBTA should ensure that businesses that encroach on rights-of-way do not violate the integrity of rail trails. Finally, other entities like Mass Pike should follow the MBTA's lead and adopt a similar policy of providing surplus rail corridors to communities for no fee for rail trail development.

- The Commissioner of Mass Highway should create a task force including an outside group of engineers and citizen advocates to streamline the review process for bicycle and pedestrian projects, consider design reforms and review opportunities to give local communities more control over their projects.

- Mass Highway should take this historic opportunity to use the currently available federal transportation-related pollution control funds for rail trail development. More than $75 million of this money will be sent back to the federal government if it is not spent in a timely fashion. The department should authorize its regional agencies to use these federal funds on rail trail projects that are awaiting funding.

- Mass Highway should be flexible in allowing communities to control decisions about the type of trail surface that best fits their needs, as long as these surfaces conform to federal Americans with Disabilities Act

(ADA) standards. Mass Highway should have a clear policy that allows communities to look at various options for rail trail surfaces.

- Mass Highway should add a rail trail advocate to their state-level Transportation Enhancement Steering Committee. This appointment would underline the Commonwealth's commitment to rail trail development.

Background

In recent years, issues involving open space planning and greenways protection have gained attention across the country. There is an increased awareness of the negative effects of urban sprawl, the benefits of proactive environmental protection and the importance of recreational areas to promote good health and physical well-being.

Rail trails are created when abandoned rail lines are converted into public trails for use as pedestrian walkways and bicycle paths. The benefits of rail trails can include revitalizing downtowns when the trails run through or near urban/town centers, increasing the number of small businesses located near or on the trail, decreasing traffic congestion and air pollution by opening up another route for commuters who are willing to walk or bike and increasing the area's tourism marketability.

A Transportation Project Primer

Authorized in 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA) was the first federal legislation aimed at providing comprehensive funding to states for traditional highway projects, as well as nontraditional transportation projects like rail trails. This act was renamed the Transportation Equity Act for the 21st Century (TEA-21) when it was reauthorized in 1998. These acts are complex funding mechanisms, and there are a few critical definitions for understanding the funding of rail trail projects.

- **Enhancements projects:** Eligible projects are transportation related with a focus on environmental, historical or aesthetic benefits.[1] Potential enhancements projects range from rehabilitation of historic transportation buildings to the construction of rail trails.
- **Surface Transportation Program (STP):** STP is one of the multiple spending categories in TEA-21.[2] STP includes federal monies intended to be set aside for the state's enhancements program. For the enhancements program to work as planned, states are encouraged to set aside 10% of their total STP funding each year for enhancements projects.[3]
- **Congestion Mitigation and Air Quality (CMAQ):** Also part of TEA-21, CMAQ is meant to address air quality issues in areas that do not meet certain national standards. This program has its own eligibility and reporting requirements.

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[1] Massachusetts Highway Department. Transportation Enhancement Program Guidelines. January 2001.

[2] See <http://www.fhwa.dot.gov/tea21/factsheets/stp.htm> (visited 20 Dec. 2000). Rick Marquis of the Federal Highway Administration, MA Division explained STP in the following way: Each state can only spend 90% of the money allotted to it. Hypothetically, if a state is allotted $500 million for their STP program, the state can only spend $450 million. The state must choose the programs that receive the funding and where to hold the $50 million that it is not allowed to spend. Various transportation officials have indicated that MA tends to bank the amount that it is not allowed to spend in the enhancements program.

[3] Marquis, Rick. Planning & Environmental Specialist, Federal Highway Administration, MA Division. Telephone conversation. 8 Jan. 2001. To be more specific, the 10% figure is the amount by law that a state can use for enhancements purposes, but there is no requirement that the state spend the money.

A National Movement

The federal government's interest in converting rail lines to recreational trails can be traced to the 1968 National Trail System Act, when the federal government encouraged states and towns to determine areas that would be appropriate for nature trails.[4] With the Railroad Revitalization and Regulatory Reform Act of 1976 and the Trails Act Amendment of 1983, converting abandoned rail lines into rail trails became more attractive as legal roadblocks to the process of rail banking were addressed through legislation and court decisions.[5] With the introduction of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991, Congress created a funding source for these projects and the number of proposed projects increased dramatically nationwide.[6]

"Enhancements funds" included in ISTEA can be used for a variety of projects including bicycle and pedestrian facilities, historic and scenic preservation and programming and rail trail development.[7] ISTEA was reauthorized by Congress in 1998, and renamed the Transportation Equity Act for the 21st Century (TEA-21).[8] For the enhancements program to work as planned, states are encouraged to set aside 10% of their total STP funding each year for enhancement projects.[9] The federal government established the enhancements program to act as an 80% federal contribution towards a chosen project, with local authorities providing a 20% match.

According to the Rails to Trails Conservancy, as of September 2000, there were approximately 1,090 rail trails across the United States, stretching 11,582 miles.[10] Nationwide member organizations like the Rails to Trails Conservancy and the Trails and Greenways Clearinghouse continue to grow in number and work with local and state groups. These organizations plan national and regional conferences and offer technical support. Groups that incorporate support for rail trails include Mass Bike and the Massachusetts Trails and Greenways Network, and an increasing number of grassroots local rail trail groups located across Massachusetts, such as the Boxford Trails Association and the Friends of the Mattapoisett Bike Path.

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[4] Scheinberg, Phyllis F. United States. General Accounting Office. Issues Related to Preserving Inactive Rail Lines as Trails. Washington: GAO. 1999.

[5] Ibid. *Rail banking* - A type of agreement between a rail carrier ready to abandon a rail line and a party interested in converting the rail line for trail use. Rail banking allows the use of the line for a trail while preserving the option of restoring rail service to the line in the future. This agreement also keeps the right-of-way intact and precludes the rights of use of adjoining property owners. According to a 1999 GAO Report, three formerly rail banked lines have been returned to rail service nationally.

[6] Howser, Beth Miller. "Putting Value on Rail-Trails." Public Management 79 (1994): 4-9.

[7] Ibid.

[8] Transportation Enhancements: Summary of Nationwide Spending & Policies as of FY 1999. National Transportation Enhancements Clearinghouse. May 2000.

[9] Marquis, Rick. Planning & Environmental Specialist, Federal Highway Administration, MA Division. Telephone conversation. 8 Jan. 2001.

[10] See <http://www.railtrails.org/RTC_active_pages/Home/Main.asp> (Visited 21 Mar. 2001).

Riding the Rail in Massachusetts

Rail trails were first built in Massachusetts in the 1970s.[11] Some of the earliest include the Shining Sea Bikeway, the Cape Cod Rail Trail and sections of the Ware River Rail Trail.[12] Only one new rail trail was completed during the 1980s, and the Minuteman and Norwottuck Rail Trails were opened in 1993.[13]

Cape Cod Rail Trail -- Very popular among tourists and residents, this scenic rail trail stretches 26 miles through environmentally sensitive and beautiful coastal ecology.[14] The trail has also acted as a catalyst for business expansion.[15]

Minuteman Bikeway -- Extending from Arlington to Bedford, this trail is one of the most popular trails in the country, with more than one-half million users every year.[16]

Norwottuck Rail Trail -- Located in a rural setting, this trail in the western part of the state has a unique half-mile multitrestled bridge over the Connecticut River.[17] It connects local colleges and town centers.

Right of First Refusal

One legislative mechanism that has been used to establish rail trails is the state's right of first refusal when a rail line is abandoned and proposed for sale.[18] Passed in 1973, this law is a tool for the state to actively participate in acquiring the abandoned rail beds needed for establishing rail trails. The Ware River Rail Trail, a 12-mile, unfinished trail from the Barre-Oakland town line to Templeton, and the Southern New England Trunkline Trail, a 55-mile gravel and stone trail that stretches from Franklin, Massachusetts to Willamantic, Connecticut, are two examples of the state exercising its right of first refusal.[19]

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[11] Della Penna, Craig. Rails-to-Trails spreadsheet "Mass R-Ts." 11 Jan. 2001.
[12] Ibid.
[13] Ibid.
[14] Mascott, Cynthia. The Official Rails-to-Trails Conservancy Guidebook. The Globe Pequot Press, Guilford, CT. 2000.
[15] Massachusetts Statewide Bicycle Transportation Plan. Federal Highway Administration, Massachusetts Office of Transportation & Construction, Massachusetts Highway Department. 1998.
[16] See <http://www.pps.org/GPS_New/minuteman_moreinfo.html, http://www.mass-vacation.com/outdoor/bike.phtml> (Visited 21 Mar. 2001).
[17] Mascott, Cynthia. The Official Rails-to-Trails Conservancy Guidebook. The Globe Pequot Press, Guilford, CT. 2000.
[18] M.G.L. Ch. 161C §7. In the case of rail trails, the right of refusal refers to the company's obligation to first offer to sell their unused railroad rights-of-way or other related properties to the Commonwealth before accepting offers from private individuals or companies.
[19] O'Brien, Danny. Bicycle and Greenways Coordinator, Department of Environmental Management. Telephone conversation. 9 Jan. 2001. These two trails were formerly rail lines owned by Penn Central. Massachusetts acquired the Southern New England Trunkline Trail in 1984, and the Ware River Rail Trail

One reason the right of first refusal is important is because once these lands are sold, they can be lost forever. The Assabet River Rail Trail is one example of a current rail trail whose continuity has been potentially interrupted because portions of it have been sold.[20]

Is the Gap Gone for Good?

The Assabet River Rail Trail (ARRT) project has been impacted by planning decisions made more than 40 years ago when the B&M Railroad sold portions of the rail corridor to neighboring property owners.[21] There is a 3.5-mile gap in the middle of the rail trail due to decisions to sell parts of the line.[22] The ARRT is a proposed 12.5-mile trail, first envisioned by two friends in 1992, and gradually pieced together through the work of various towns and many volunteers. The Stow section of the old rail corridor connects the Marlborough-Hudson piece with the proposed Acton-Maynard section. The Acton and Maynard pieces are currently owned by the MBTA and are expected to be transferred into town ownership, however, the Stow section was sold off to a variety of private interests roughly 40 years ago.[23] Due to the cost and complexity of trying to recreate a contiguous rail trail line through Stow, the trail may need to travel alongside the road until it can reconnect in Marlborough or Maynard. A map of the proposed trail is on the next page.

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in 1985. These two trails are now managed by the Massachusetts Department of Environmental Management.

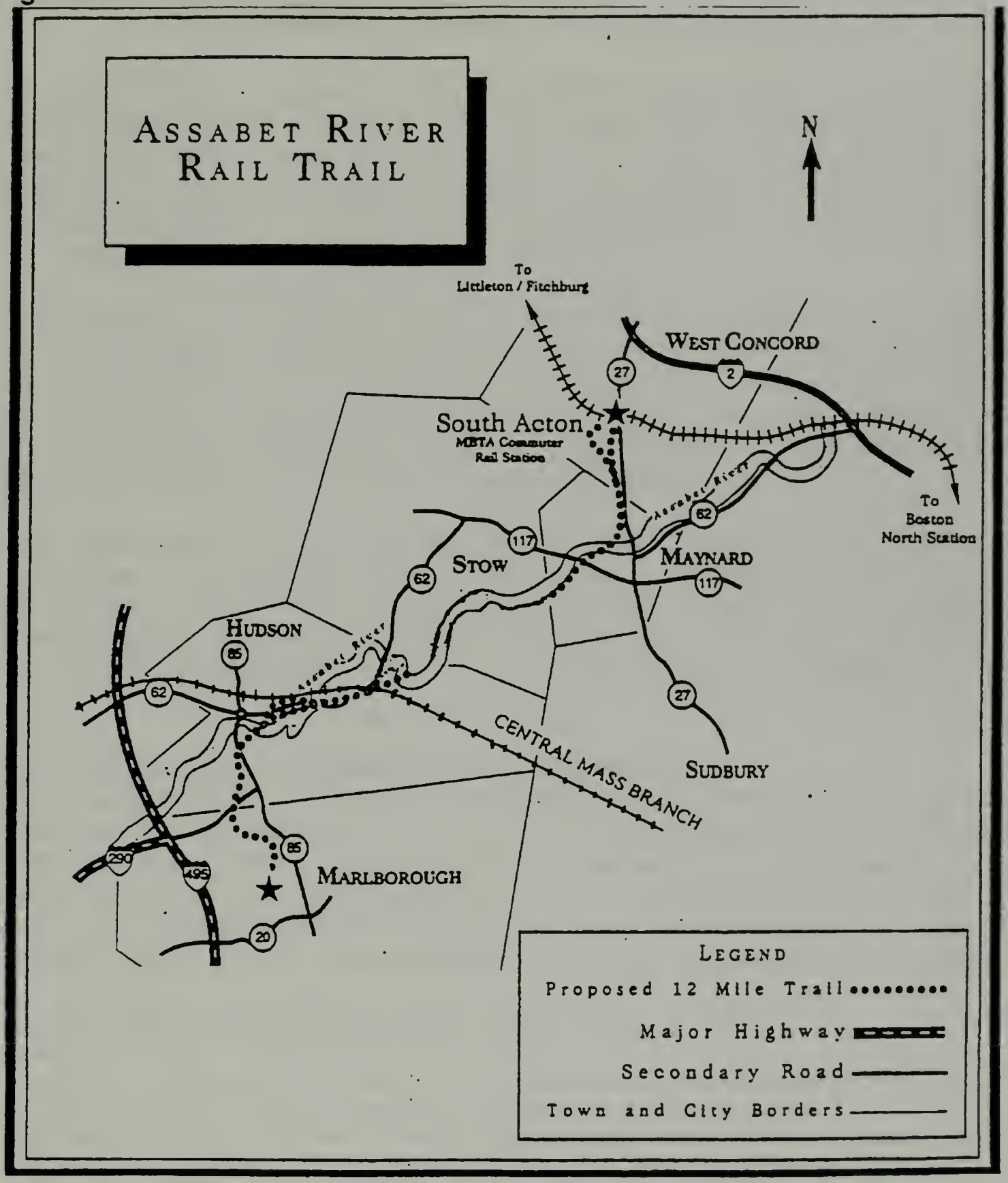
[20] Ropple, David. Engineer, Guilford Rail System. Telephone interview. 8 Nov. 2000. Old B&M Railroad maps indicate that sales of part of this line occurred between 1958 and 1963.

[21] Ibid.

[22] Parent, Randi. "Assabet Rail Trail Gets Sidetracked." The Boston Sunday Globe 23 Apr. 2000: West 9.

[23] Ropple, David. Engineer, Guilford Rail System. Telephone interview. 8 Nov. 2000.

Figure 1.[24]



This map illustrates the proposed Assabet River Rail Trail as it was envisioned stretching from Marlborough to South Acton. The contiguous section through Stow is still uncertain, but there are potential alternate routes through Stow currently under consideration in order to link the other towns.

[24] Map by Robert Morel.

Pollution Control: The CMAQ Attack

The federally funded Congestion Mitigation and Air Quality (CMAQ) program was reauthorized in 1998 as part of TEA-21.[25] The intent of the CMAQ program is to increase air quality in areas that are not attaining the national ambient air quality standards for transportation related pollutants, in particular for ozone, carbon monoxide and particulate matter.[26] Some enhancements projects, like rail trails, fit the eligibility requirements for both enhancements and CMAQ funding.

CMAQ funds, unlike enhancements funds, lapse every four years if they are not spent.[27] In FY 2000, Mass Highway recognized that $40 million of CMAQ-designated money was in danger of lapsing, and responded by proportionately distributing these funds among the thirteen Regional Planning Agencies.[28] In FY 2001, the amount predicted to lapse is approximately $25 million, while in FY 2002, the amount available for CMAQ projects is approximately $56 million.[29] (See Appendix 1.)

Many of the state's Regional Planning Agencies used the last round of CMAQ money to move stalled rail trail projects ahead. For example, the Pioneer Valley Planning Commission prioritized the Connecticut Riverwalk with its CMAQ windfall. Regional Planning Agency representatives uniformly felt that the FY 2001 and FY 2002 CMAQ money would be well spent on helping to clear the enhancements backlog.[30]

Massachusetts Bay Transportation Authority (MBTA)

As the owner of multiple rail corridors, the MBTA plays a prominent role in rail trail development in Massachusetts. According to Michael Brennan, Director of Real Estate for the MBTA, the MBTA is also the second largest landowner in the state.[31] As a quasi-public agency, the MBTA relies on funding from the Legislature and from revenues generated from fare and non-fare sources. In July 2000, as part of the MBTA Forward Funding initiative, the Legislature determined that the MBTA will receive one

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[25] See <http://fta.dot.gov/library/planning/enviro/cmaq.htm> (visited 9 Jan. 2001).
[26] Ibid.
[27] Marquis, Rick. Planning & Environmental Specialist, Federal Highway Administration, MA Division. Telephone conversation. 8 Jan. 2001. See Technical Glossary for definition of *lapsing*.
[28] Paiewonsky, Luisa. Director, Bureau of Transportation Planning & Development, Mass Highway; James Cope. Manager of Transportation Programs, Mass Highway; Linda Walsh. Enhancement Program Coordinator, Mass Highway. Personal Interview. 28 Nov. 2000. In Massachusetts, *Regional Planning Agencies* carry out federally funded transportation plans and programs. The agencies work with Mass Highway to determine which local projects will receive funding through the Statewide Transportation Improvement Program (STIP), which includes enhancement projects.
[29] Brennan, Timothy. Executive Director, Pioneer Valley Planning Commission (PVPC); Dana Roscoe. Transportation Program Manager, PVPC; Jeff McCollough, Senior Transportation Planner, PVPC. Personal interview. 7 Dec. 2000.
[30] Ten Massachusetts Regional Planning Agencies. Telephone conversations. 19 Dec. 2000, 20 Dec. 2000, and 27 Dec. 2000.
[31] Brennan, Michael. Director of Real Estate, MBTA. Telephone conversation. 5 Jan. 2001.

cent for every five cents collected from the state sales tax.[32] This amount, in combination with their other funding streams, results in an MBTA budget that is approximately $1 billion.[33]

The MBTA real estate department was just one area within the MBTA targeted for raising revenue when forward funding was implemented.[34] *Taking the T … To the Next Level of Progress*, a report completed in April 2000 by the MBTA Blue Ribbon Committee, recommended that the MBTA explore "opportunities to capitalize on transit-oriented development, ensuring the MBTA gets fair market value for all its assets."[35] The MBTA may dispose of real estate according to a procedure specified in M.G.L. Ch.161A §5.[36]

Unrelated to the more recent forward funding decisions, the MBTA privatized their real estate department in 1996, and contracted Transit Realty Associates (TRA) to provide these real estate services.[37] The final contract outlined the services to be rendered by TRA and the financial incentives and compensation for actual results. The latter included a base management fee, commissions from new rental properties and brokerage fees after property sale transactions are completed.[38] Some bicycle advocates raised concerns that the contract would be an incentive for more rail lines to be sold to private parties, severing possible rail trails.[39]

Massachusetts Statewide Bicycle Plan

Citizen and advocate input are a major reason for the progress made in the state regarding rail trails and bicycle and pedestrian projects. In April 1998, Mass Highway, in partnership with the state's Regional Planning Agencies, and with citizen input solicited during seven public information meetings, created a Statewide Bicycle Transportation Plan.[40] This plan included sections relative to the study of the

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[32] Dizoglio, Dennis. Director of Planning, MBTA. Speaker. Massachusetts American Planning Association Transportation Committee Meeting. 4 Jan. 2001.

[33] Ibid.

[34] Forward funding refers to the change in how the MBTA receives funds from the Legislature. Before the forward funding legislation in July 2000, the MBTA would spend money during their fiscal year, and costs not covered by revenue sources would be covered by the Legislature. Forward funding requires greater accountability and limited state support. Massachusetts. Executive Office of Transportation and Construction. "Taking the T To the Next Level of Progress." A MBTA Blue Ribbon Committee Report on Forward Funding. 2000.

[35] Massachusetts. Executive Office of Transportation and Construction. "Taking the T To the Next Level of Progress." A MBTA Blue Ribbon Committee Report on Forward Funding. 2000: 36.

[36] The MBTA must advertise the property to be sold at least once a week for three weeks in a newspaper of general circulation in the town in which the property is located. Additionally it must be sold to the highest bidder unless the buyer is the state or a political subdivision of the state, then these requirements do not apply.

[37] Moynihan, Patrick J., Richard A. Flier, Clare C. Conley, and Lisa McCallum. "Outsourcing of Real Estate Management and Development in the Public Sector." Invitation to Change: Bringing the Benefits of Competition to State and Local Government. Pioneer Institute for Public Policy Research. 1997.

[38] Ibid.

[39] Bain, Cameron. Coordinator, Tri-Community Bike/Greenway Committee. Stoneham, MA.

[40] Massachusetts Statewide Bicycle Transportation Plan. Federal Highway Administration, Massachusetts Executive Office of Transportation & Construction, Massachusetts Highway Department. 1998.

development and construction of rail trails in Massachusetts. It identifies needs and opportunities, and recommends actions for increasing the number of rail trails.

Rail Trail Accomplishments in Massachusetts

Craig Della Penna, the New England representative of the Rails to Trails Conservancy, noted that encouraging changes are occurring within Mass Highway and that there is greater support for rail trail projects at local and statewide levels. In addition, rail trail advocates and local and state level officials are very pleased with a recent change in the MBTA policy that allows them to transfer rail lines to communities for no fee; advocates expect that this policy will increase the number of rail trails in this state.[41] Advocates were also pleased with the CMAQ disbursement that took place over this past year.

Several Massachusetts rail trails are nationally recognized for their quality and level of usage, including the Minuteman Bikeway and the Cape Cod Rail Trail. Furthermore, the Minuteman Bikeway has the distinction of being recognized by the Rails to Trails Conservancy as the 500th Rail to Trail conversion in the country.[42] With a backlog of almost 100 active bicycle and pedestrian projects waiting for approval or funding at Mass Highway, the Commonwealth has an historic opportunity to build trails that will serve as recreational gems for generations.

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[41] Della Penna, Craig. New England Representative, Rails-to-Trails Conservancy. Personal interview. 21 Dec. 2000.

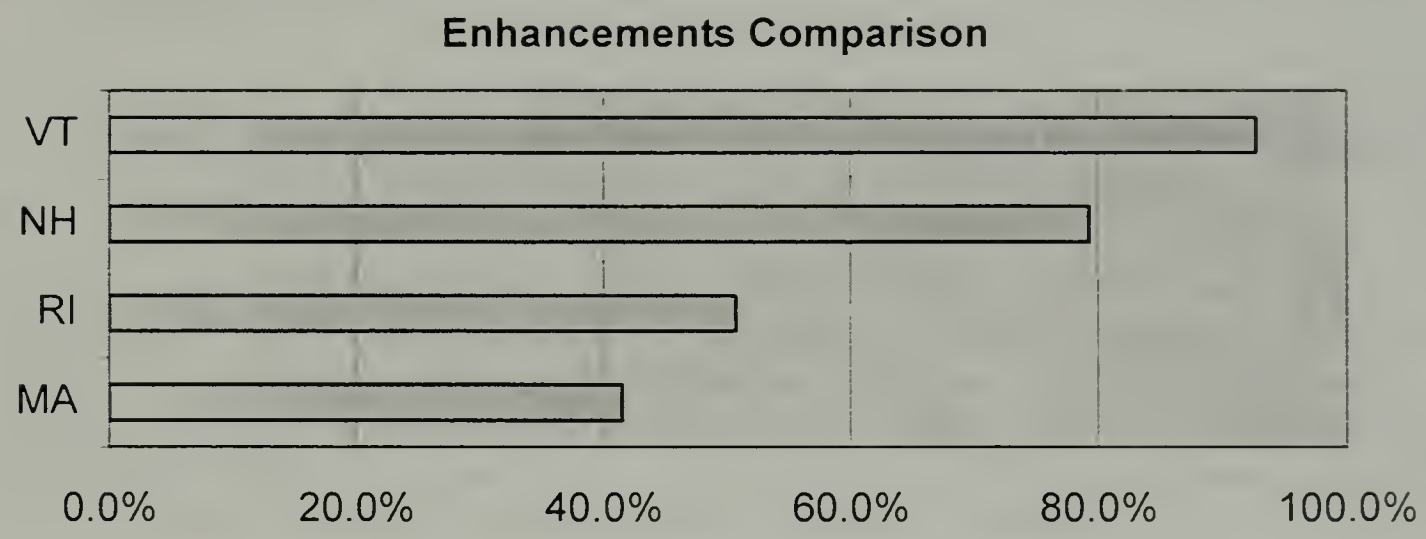
[42] See <http://www.bedforddepot.org/MinutemanBikeway.html> 10 Jan. 2001.

Concerns with Rail Trail Development in Massachusetts

Trailing Other States

Two nationwide studies of state spending on transportation enhancements, which include spending for rail trail projects, highlight concerns with how Massachusetts' transportation decision-makers choose to use federal dollars.[43] According to the most recent figures available from the National Transportation Enhancements Clearinghouse (NTEC), Massachusetts has approved and funded only 41.5% of its enhancements funds, and has only completed 17% of its enhancements projects.[44] In layman's terms, Massachusetts is not completing proposed enhancements projects, even after they are approved. Another national study of states' enhancements spending by the Surface Transportation Policy Project found similar results for Massachusetts.[45]

Figure 2.



Source: NTEC, 2001

[43] See Technical Glossary for definition of *enhancements*.

[44] Russell, Megan. Manager, National Transportation Enhancements Clearinghouse. Telephone conversation. 23 Mar. 2001. "Approved and funded" refers to the "obligation" phase of the enhancements process. Obligation is considered the second phase of the enhancements process that occurs when there is a formal commitment of money for a project, usually when the project is ready to begin billable work. "Reimbursement" is the last phase of the process and tracking these numbers is currently the only way to determine if an enhancement project has been "completed." See the Technical Glossary for enhancements related definitions of *obligation* and *reimbursement*.

[45] Changing Direction: Federal Transportation Spending in the 1990's. Surface Transportation Policy Project. 2000. See www.transact.org/Reports. This report detailed national changes in transportation spending and included a focus on funds spent on alternative transportation choices. One report finding on obligation rates for selected highway and non-highway programs demonstrated that Massachusetts was much more committed to its major highway program with a 111% obligation rate versus a 47% obligation rate for its enhancements program.

These percentages and low rankings indicate that Massachusetts has a particularly poor record for effectively using federal transportation funding for non-highway type projects. Federal enhancements funding is intended to fund a wide range of possible projects – from landscaping and historic preservation, to bicycle and pedestrian facilities and rail trails.[46] These projects are meant to improve communities and citizens' quality of life.

Mass Highway responded to the poor rankings in NTEC's 2000 report by explaining that each state collects and measures its transportation enhancements data in different ways.[47] According to Mass Highway, a number of issues were not reflected in NTEC's analysis of Massachusetts' enhancements spending.

- Mass Highway funds phases of projects and not the entire project at one time.[48]
- The state received low levels of STP funding at the beginning of the enhancements program, which led to fiscal constraints and a delay in implementation.[49]
- Linda Walsh, Enhancement Program Coordinator for Mass Highway, has been sharing updated information with NTEC and asserts that NTEC's analysis does not adequately reflect Mass Highway's different way of funding.[50]

However, even after taking these considerations into account, Massachusetts undeniably continues to rank very low nationally in its commitment to building projects like rail trails. NTEC just released its latest annual report, which confirms that Massachusetts has a low national ranking among states. Although Massachusetts does a good job of selecting projects, this report reveals that the Commonwealth still ranks at the "bottom of the barrel" at moving rail trail projects forward.[51]

Biking and Walking Traffic Jam

More than 100 bicycle/pedestrian projects have been proposed in the Commonwealth over the past nine years, but few have been completed. From FY 1995 through FY 2000, the Massachusetts Transportation Enhancement Program included funding for three different phases of a project -- planning, design and construction. In all three categories, there are now almost 100 bicycle/pedestrian projects that are considered

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[46] Massachusetts Highway Department. Transportation Enhancement Program Guidelines. Jan. 2001.
[47] Walsh, Linda. Enhancement Program Coordinator, Mass Highway. Personal Interview. 28 Nov. 2000.
[48] Ibid.
[49] Paiewonsky, Luisa. Director, Bureau of Transportation Planning & Development, Mass Highway; James Cope. Manager of Transportation Programs, Mass Highway; Linda Walsh. Enhancement Program Coordinator, Mass Highway. Personal Interview. 28 Nov. 2000.
[50] Walsh, Linda. Enhancement Program Coordinator, Mass Highway. Personal Interview. 28 Nov. 2000.
[51] Russell, Megan. Manager, National Transportation Enhancements Clearinghouse. Telephone Conversation. 26 Feb. 2001.

"Active," and less than 25 listed as "Completed."[52] (The projects listed as "Completed" are primarily those involving landscaping, parks and walkways). This backlog of approved but uncompleted projects has a demoralizing effect on the efforts of the regional planning agencies and the communities that submit the projects.

Directly connected to the communities they serve, but also working closely with Mass Highway, the 13 Regional Planning Agencies in Massachusetts have a unique perspective on rail trails and the enhancements program. The Regional Planning Agency representatives interviewed reported that enhancements projects are beneficial to communities, and that they generally enjoy widespread citizen support.[53] However, the representatives also remarked on the decreasing amounts of federal transportation aid for their budgets. This translates into heavy competition between road and bridge projects and enhancements projects.[54] Adding to the complications is community pressure to see movement on their enhancements projects that have stalled during the lengthy review process at Mass Highway.[55]

By choosing to fund an enhancements project, Regional Planning Agencies commit a portion of their available and valuable transportation dollars for the project on the region's TIP. If this project is not further programmed on the statewide TIP, or if it is programmed but the money is not obligated, the project is left at a standstill. The Regional Planning Agency then must make a decision the following year on whether or not to reprogram the enhancements project and risk "losing" these valuable transportation dollars on a project that likely will languish at the state level.[56] The fact that only three Massachusetts Regional Planning Agencies will consider new enhancements projects next year demonstrates their frustration with backlogged projects and their tight budgets.[57]

The federal report, Transportation Planning Certification Review of the Metropolitan Transportation Planning Process for the Boston Region, and its related public comments regarding the Boston regional transportation planning process, pointed out

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[52] Mass Highway Planning Department. "Massachusetts Transportation Enhancement Program. (All projects approved since the inception of the Transportation program)." Excel worksheet prepared for the National Transportation Enhancements Clearinghouse. 14 Dec. 2000. "Active" means that the project is ongoing, while "Completed" means that a project has reached a conclusion. However, since the projects are funded in phases, a "completed" notation may mean that just one phase of the project has reached a conclusion.

[53] Southeastern Regional Planning and Economic Development District, Pioneer Valley Planning Commission, Metropolitan Area Planning Council. Personal interviews. 5 Dec. 2000, 7 Dec. 2000, 8 Dec. 2000.

[54] Ten Massachusetts Regional Planning Agencies. Telephone conversations. 19 Dec. 2000, 20 Dec. 2000, 27 Dec. 2000.

[55] See Technical Glossary for history and explanation of *Massachusetts' Enhancements Program.*

[56] Representatives of the Pioneer Valley Planning Commission. Personal interview. 7 Dec. 2000.

[57] Massachusetts Regional Planning Agencies. Telephone conversations. 19 Dec. 2000, 20 Dec. 2000.

the numerous bureaucratic hurdles of getting any project through the Mass Highway system.[58]

As an example of these delays, the Boston Metropolitan Planning Organization's TIP for Fiscal Years 2001-2006 lists 16 enhancements projects, with the approved projects dating back to 1996. None of these have been completed.[59]

Paying Twice for Public Lands

The MBTA privatized their real estate department in 1996, and contracted Transit Realty Associates (TRA) to provide these real estate services.[60] The final contract outlined the services to be rendered by TRA and the financial incentives and compensation for actual results. The latter included a base management fee, commissions from new rental properties and brokerage fees after property sale transactions are completed.[61] Since federal money is available for the acquisition of abandoned rail lines, the MBTA and TRA chose to encourage communities to access these funds to pay for the properties eyed for rail trails. This policy placed greater financial pressure on communities to come up with money for acquiring abandoned rail beds as well as for constructing rail trails. At least one community was reluctant to pay for a right-of-way that they viewed as already being owned by the state and paid for by the taxpayers.[62]

Over the past year, this policy received close attention. In Spring 2000, bicycle advocates began meeting with representatives from the Executive Office of Transportation and Construction and Mass Highway to discuss bicycle transportation improvements. These advocates expressed their concerns over the potential loss of these rail corridors if towns were not able to access the federal funds to buy them.[63]

In May 2000, Senator Cheryl Jacques, Chair of the Senate Post Audit and Oversight Committee, announced the beginning of the public phase of a review of the MBTA policy and rail trail progress in Massachusetts.

Following these two developments, on June 15, 2000, Kevin Sullivan, the Secretary of Transportation and Construction, requested that the MBTA Board of Directors review the MBTA's surplus property policy. The MBTA Board responded to this request by

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[58] Federal Highway Administration and Federal Transit Administration. Transportation Planning Certification Review of the Metropolitan Transportation Planning Process for the Boston Region. Draft Report. 16 Jan. 2001.

[59] Central Transportation Planning Staff. Boston Metropolitan Planning Organization. Transportation Improvement Program and Air Quality Conformity Determination Fiscal Years 2001-2006. 25 Sept. 2000.

[60] Moynihan, Patrick J., Richard A. Flier, Clare C. Conley, and Lisa McCallum. "Outsourcing of Real Estate Management and Development in the Public Sector." Invitation to Change: Bringing the Benefits of Competition to State and Local Government. Pioneer Institute for Public Policy Research. 1997.

[61] Ibid. A railroad right-of-way is the land directly occupied by the rail line and the linear property that directly abuts it, generally 10-20 feet in width.

[62] Ciaramella, Pasquale. Transportation Program Manager, Old Colony Planning Council. Brockton, Massachusetts. Telephone conversation. 20 Dec. 2000.

[63] Moritz, Lorna. Director, Administration & Asset Management, Transit Realty Associates. Personal interview. 2 Nov. 2000.

voting unanimously for the MBTA "to develop and implement a formal policy that would make certain abandoned and/or surplus rights-of-way available to local cities and towns for use as multi-use trails."[64]

On December 13, 2000, the MBTA Board of Directors approved the transfer of two rail lines in Peabody and Plymouth for no fee, effectively creating a new real estate policy direction for the MBTA.[65] The MBTA attached the following restrictions to the policy:

- "the corridors are to be used as multi-use trails only;
- no sale to third parties by the municipality is allowed;
- MBTA retains the right to license utilities and fiber optics;
- MBTA may retain the rights to sell existing encroachments for fair market value;
- the municipalities will indemnify the MBTA from lawsuits and will be responsible for all maintenance;
- the MBTA with notice can reclaim the right-of-way [sic] for transportation purposes."[66]

Stealth Encroachments

Over the years, commercial and residential property owners adjacent to railroad rights-of-way have both knowingly and unknowingly built structures, such as sheds, swimming pools or driveways on railroad rights-of-way. Although this is an illegal act, abandoned rail lines rarely receive attention and most encroachers face no repercussions for their actions.[67] As communities now look to build rail trails on these lines, encroachers can become obstacles to a contiguous rail trail.

The Tri-Community Bikeway in Stoneham and the Assabet River Rail Trail in Hudson are two examples of inter-community bike paths that must deal with encroaching property owners. Historically the MBTA did not aggressively identify encroachers, but TRA is building a database with this information to negotiate leases or sales where appropriate.[68] Both the MBTA and TRA have expressed a willingness to work with communities where encroachment is a concern to work out a viable solution. However, trail advocates worry that the MBTA does not seem concerned about protecting the rights-of-way.

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[64] Fernandes, Alice Ann. Recording Secretary, MBTA Board of Directors. Meeting Notes. 15 Jun. 2000.
[65] Brennan, Michael. Director of Real Estate, MBTA. Telephone conversation. 13 Dec. 2000.
[66] Brennan, Michael. Director of Real Estate, MBTA. Letter to Amy Panek. 5 Jan. 2001.
[67] Moritz, Lorna. Director, Administration & Asset Management, Transit Realty Associates. Personal interview. 2 Nov. 2000.
[68] Ibid.

"Driveways versus Highways"
Engineers who are involved with building rail trails, as well as citizen advocates concerned about the costs associated with design, have suggested that rail trail design standards required by Mass Highway are too stringent.[69] Although everyone agrees that certain safety and design standards are warranted and necessary, there are certain characteristics of rail lines that should smooth the transition from rail line to rail trail, and lessen the amount of review time. For instance, rail lines are relatively flat and straight; often they are engineered with drainage and ditching already in place.[70] However, Mass Highway engineers currently put rail trail designs through the same rigorous reviews as highways, even though the type of users are very different.[71]

These concerns are similar to long-time community concerns, just now being addressed, over the flexibility of Mass Highway standards for rural and historic roads. Secretary Sullivan, Commissioner of the Executive Office of Transportation and Construction, formed a Task Force on Roads in Historic and Rural Areas in July 1999.[72] This group has now transitioned into the Roadway Design Issue Group that meets every six weeks to discuss alternative standards that are more sensitive to community, historical and environmental concerns.[73] Just like the flexibility desired for designing and constructing these roads, the argument made by engineers and rail trail advocates is that rail trails do not fit Mass Highway's "one-size-fits-all" standard for road design and review, and therefore a more streamlined rail trail focused approach is justified.[74]

Cooperation needed from State Authorities
The MBTA and the Mass Pike have been surplusing and selling their abandoned properties to increase and diversify their revenue stream.[75] Like the MBTA, the Mass Pike also owns rail properties that could affect multiple trails. For example, Mass Pike owns a portion of the proposed Cochituate Rail Trail that runs through Framingham and Natick.

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[69] MA Trails & Greenways Network Conference. "Trail Opposition: What to Do About It." Summary notes. Salem, MA. 13 Oct. 2000.
[70] Agency of Transportation. Vermont. Bicycle and Pedestrian Plan. Adopted December 1998.
[71] Paiewonsky, Luisa. Director, Bureau of Transportation Planning & Development, Mass Highway; James Cope. Manager of Transportation Programs, Mass Highway; Linda Walsh, Enhancement Program Coordinator, Mass Highway. Personal Interview. 28 Nov. 2000.
[72] Lucas, Barbara. Chief Transportation Planner, Metropolitan Area Planning Council. Telephone conversation. 8 May 2001.
[73] Ibid.
[74] Rubino, Nicholas. Senior Project Director, Earth Tech. Personal interview. 21 Nov. 2000.
[75] Moritz, Lorna. Director, Administration & Asset Management, Transit Realty Associates. Personal interview. 2 Nov. 2000. Cochituate Rail Trail Stakeholders Meeting. Personal interviews. Natick, Massachusetts. 9 Nov. 2000.

The Complicated Cochituate Rail Trail

A mishmash of ownership rights has complicated the plans to establish the Cochituate Rail Trail. When fully completed, the proposed Cochituate Rail Trail will run approximately 4 miles, from downtown Natick to northeast Framingham. The ownership of the contiguous rail bed is currently divided among the MBTA (Saxonville Branch), the Mass Pike and the CSX Corp. In January 2000, the Central Transportation Planning Staff determined that the development of a rail trail on this line would be "technically feasible."[76] The trail is slowly beginning to come together with the collaboration of Framingham and Natick town officials, citizen advisory committees, volunteers, and with the support of the Department of Environmental Management since part of the proposed trail runs through the Cochituate State Park.[77]

Like the MBTA, the Mass Pike is also selling off its surplus property to raise revenue. In Framingham, Mass Pike officials have offered the town an 18-foot wide easement on their property to use as part of the Cochituate Rail Trail.[78] While this is a start, advocates are concerned that the majority of the right-of-way land may be sold to encroachers and abutters, which would result in the loss of a safety and aesthetic buffer zone between the trail and parking lots.

Meanwhile, the MBTA is considering plans to declare the Saxonville Branch surplus property and rail trail advocates are hopeful that Framingham will receive the transfer of land for no fee.[79] A map of the proposed trail is included on the next page.

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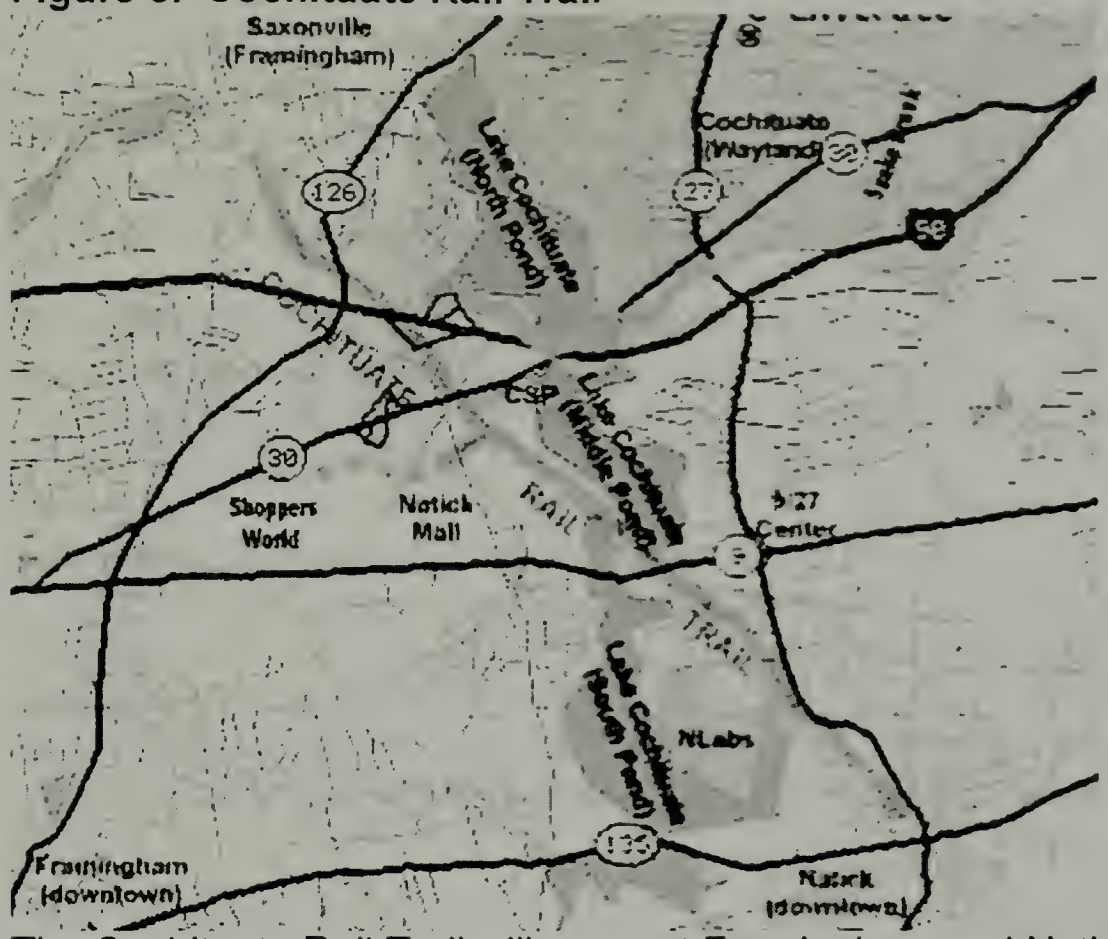
[76] Central Transportation Planning Staff. Boston Metropolitan Planning Organization. Reconnaissance Study of the Saxonville Branch Right-of-Way. 11 Jan. 2000.

[77] Per M.G.L. 132A§2, the Department of Environmental Management has the authority to manage all of Massachusetts' state parks.

[78] Taberner, Bryan. Senior Planner, Town of Framingham. 27 Feb. 2001.

[79] Senators Cheryl Jacques, David Magnani; Representatives Linsky, Stefanini, Blumer; DEM Commissioner Peter Webber; Jay Ball, Chair of the Natick Board of Selectmen; Charles Sisitsky, Chair of the Framingham Board of Selectmen; and John Schneider, Director of the MetroWest Growth Management Committee. Letter to Michael Brennan, MBTA Director of Real Estate. December 13, 2000.

Figure 3. Cochituate Rail Trail



The Cochituate Rail Trail will connect Framingham and Natick. This map was created by A. Richard Miller, Chair of the Natick Bicycle and Pedestrian Advisory Committee.

CMAQ Funding
Bike paths qualify for CMAQ dollars due to the program's primary goal of improving air quality. In FY 2000, Mass Highway informed each of the Regional Planning Agencies of the availability of "use it or lose it" CMAQ money. If left unused, the federal government would recall the CMAQ money and divide it among other states. Various Regional Planning Agencies used the unexpected funds for their backlogged rail trail projects.

In FY 2001 there is approximately $25 million available through the CMAQ program, and another $56 million will be available in FY 2002. The federal monies could greatly benefit bike enhancements projects, if Mass Highway chooses to distribute the money as it did in FY 2000.[80]

Mass Highway has set a precedent for using CMAQ money for enhancements projects. Of the $46.5 million obligated in federal spending for transportation enhancements from 1992 through 2000, $10.5 million has come out of CMAQ funds as opposed to the enhancements program.[81] This trend is continuing as Linda Walsh, Enhancement Program Coordinator for Mass Highway reported that in FY 2001, 19 enhancements projects are scheduled to receive CMAQ funding.[82]

"Use it or Lose it"

Time is running out to spend Massachusetts' available CMAQ dollars before these millions are returned to the federal government. The lapsing CMAQ funding, and the fact that the program's strict eligibility standards allow for rail trail funding, have coincided to create a unique opportunity to make a difference across the state. The Federal Highway Administration has repeatedly informed Mass Highway of the need to implement a CMAQ program and to use the resources offered to the state by the federal government to improve the air quality in Massachusetts.[83] According to a Federal Highway Administration worksheet that outlines the status of Massachusetts' federal transportation funds, in FY 2001, $25,660,072 and in FY 2002, $56,349,619 will potentially lapse if Mass Highway does not identify ways to spend it.[84]

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[80] Pioneer Valley Planning Commission. Personal interview. 7 Dec. 2000.
[81] Mass Highway Planning Department. "Massachusetts Transportation Enhancement Program. (All projects approved since the inception of the Transportation program)." Excel worksheet prepared for the National Transportation Enhancements Clearinghouse. 14 Dec. 2000.
[82] Walsh, Linda. Enhancement Program Coordinator, Massachusetts Highway Department. Email to Amy Panek. Received 19 Apr. 2001.
[83] Gee, Stanley and Richard Doyle. Division Administrator, Federal Highway Administration, and Regional Administrator, Federal Transit Administration, respectively. Letter to Transportation and Construction Commissioner Kevin Sullivan. Personal Letter. 2 Oct. 2000.
[84] U.S. Department of Transportation, Federal Highway Administration. Status of Funds – Massachusetts. As of 01/31/2001.

Asphalt Alternatives

Mass Highway has historically not embraced rail trail projects with unpaved trails, regardless of location, local preference or number of expected users.[85] The American Association of State Highway and Transportation Officials (AASHTO) and Americans with Disabilities Act (ADA) guidelines have disability standards for trails that require firm, stable and slip resistant surfaces.[86] The Federal Highway Administration (FHWA) clearly states that "providing a firm and stable surface does not mean that only paved trails are acceptable." [87] The FHWA provides a list of acceptable surfaces that includes non-paved materials, such as crushed rock with stabilizer or soil with stabilizer.[88]

There are examples of crushed stone dust trails in Massachusetts that were not funded with federal monies. The longest example, the Southern New England Trunkline Trail, stretches 21 miles.[89] Another example is the multi-use trail in West Boylston, Massachusetts.

A Ride In the Woods

In October 1997, a stone dust trail built in West Boylston, Massachusetts opened to the public.[90] This trail was funded through a grant from the Massachusetts Department of Environmental Management.[91] In the Summer of 2000, officials from the Massachusetts Office on Disability, along with Senate Post Audit and Oversight Bureau staff, toured this path to determine if it met federal and state disability standards. One member of the group, a wheelchair user, found the path easily navigable.[92] All members of the contingent agreed that the crushed stone dust path was a complement to the surrounding woods and river and was accessible to wheelchair users.[93] The Architectural Access Board has also confirmed that unpaved trails may meet accessibility guidelines.[94]

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[85] Della Penna, Craig. New England Representative, Rails-to-Trails Conservancy.

[86] Federal Highway Administration. "Designing Sidewalks and Trails for Access, Part II: Best Practice Design Guide." July 1999: Chapter 15.

[87] Ibid. 15.4.2.

[88] Ibid. Table 15-1.

[89] See <http://www.traillink.com/TL_Active_Pages/TrailSearch/main.asp> (visited 8 Jan. 2001).

[90] Della Penna, Craig. "A Report About Building Trails on Dormant Rail Corridors." New England Office of the Rails-to-Trails Conservancy. 26 Aug. 1999.

[91] Ibid.

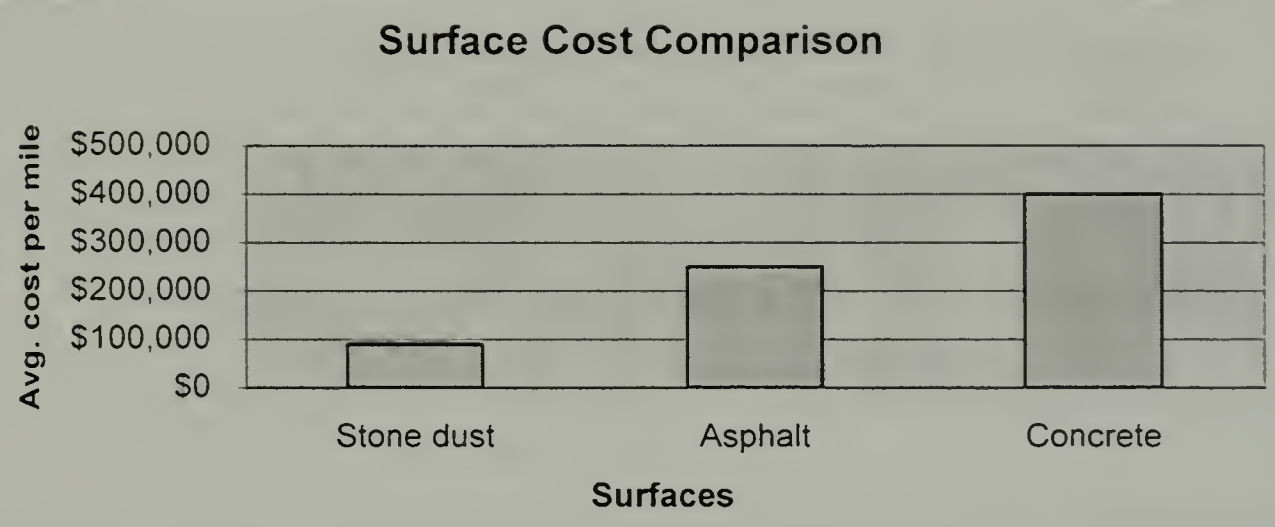
[92] Bruneau, Bruce. Project Coordinator, Massachusetts Office on Disability. Personal interview. 4 Aug. 2000. However, portions of the trail were deemed inaccessible, in particular the areas just off-trail around the picnic tables.

[93] Tour of the West Boylston, MA Rail Trail. Representatives from the Architectural Access Board. Department of Environmental Management, Massachusetts Office on Disability and the Senate Post Audit and Oversight Bureau. 4 Aug. 2000.

[94] M.G.L. Ch.22 § 13A requires that public buildings and recreational facilities be "accessible to, functional for and safe for use" by the physically handicapped persons. M.G.L. Ch.22 § 13A places the authority to enforce their requirements with the Architectural Access Board (AAB). The AAB has promulgated

There are substantial cost differences between trails constructed with crushed stone dust versus asphalt. A mile of a stone dust (soil cement or granular stone) trail costs from $60,000 - $120,000 to construct.[95] In comparison, an asphalt trail would cost between $200,000 - $300,000, while concrete is the most expensive option, with costs ranging from $300,000 - $500,000 per mile.[96] For this reason, and for reasons of aesthetics and environmental impact, crushed stone dust is a viable and particularly cost-effective alternative to conventional surfaces.

Figure 4.



Mass Highway has not been particularly open to the use of alternative surfaces. Rail trail projects are generally structured like highway projects since it standardizes the process for Mass Highway engineers.[97] However, it appears that Mass Highway offers more flexibility to other state agencies that are building trails with federal transportation funds, such as the Metropolitan District Commission (MDC). For example, the MDC is building a stone dust path in Waltham.[98] However, a similar project in Lexington is being required to use a paved surface for a trail funded with enhancements money against its original design intentions.[99] In general, deviations from regular practices are not expected or encouraged by Mass Highway, and unless communities seek out or

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regulations that include recreational areas and walkways, and the focus is on accessibility and slip resistant surfaces. C.M.R. ch. 521 §§19.6, 20.1, 29.1.

[95] Flink, Charles A., Kristine Olka, Robert M. Searns and the Rails to Trails Conservancy. Trails for the Twenty-first Century. Second Edition. Island Press, Washington, D.C. 2001

[96] Ibid.

[97] Paiewonsky, Luisa. Director, Bureau of Transportation Planning & Development, Mass Highway; James Cope. Manager of Transportation Programs, Mass Highway; Linda Walsh. Enhancement Program Coordinator, Mass Highway. Personal Interview. 28 Nov. 2000.

[98] Lucas, Barbara. Chief Transportation Planner, Metropolitan Area Planning Council. Personal Interview. 8 Dec. 2000.

[99] Ibid.

find sources of non-federal funding, they are not made aware that they have surface options other than asphalt.

Disenfranchised Advocates

The Massachusetts Trails & Greenways Network Conference offered a workshop for its participants entitled, "Official issues and impediments at local, regional and state levels; what's real, what's not and effective actions and responses."[100] The participants included rail trail, bicycle, and pedestrian advocates as well as government officials from across the state. The workshops revealed the following participant sentiments:

- the enhancements process is complicated and confusing;
- there is a lack of pathway advocates at EOTC and MBTA;
- Mass Highway engineers are novices to the practice of designing and building multi-use paths and could benefit from learning how other states run their enhancements programs;
- rail lines surplused by MBTA and EOTC are hard for cities and towns to secure; and
- some regional planning agencies have not been supportive of enhancements applications.[101]

To address these concerns, rail trail advocates would like to be represented on the statewide Transportation Enhancement Steering Committee.[102] This Committee was formed to help choose which enhancements projects will receive funding.[103] The Transportation Enhancement Program Guidelines state that the Committee "works to develop program guidelines; evaluate regional and statewide proposals for compliance with eligibility and program requirements; and make recommendations to the Secretary of Transportation for action on all Transportation Enhancement projects."[104] Currently, the Committee has one representative each from the EOTC, Mass Highway, Massachusetts Historical Commission, Executive Office of Environmental Affairs, and two representatives from the Massachusetts Regional Planning Agencies.

Unlike nearby states, Massachusetts does not allow citizen advocates to sit on its Transportation Enhancement Steering Committee. Although each state has a different committee structure, other states provide a voice to bicycle/pedestrian advocates. The lack of representation in Massachusetts leads to greater citizen disenfranchisement and frequent misinterpretation of the enhancements selection process. See Figure 5.

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[100] MA Trails & Greenways Network Conference. "Trail Opposition: What to Do About It." Summary notes. Salem, MA. 13 Oct. 2000.
[101] Ibid.
[102] MA Trails & Greenways Network Conference. "Trail Opposition: What to Do About It." Summary notes. Salem, MA. 13 Oct. 2000.
[103] Transportation Enhancement Program Guidelines. Massachusetts Highway Department. Jan. 2001.
[104] Ibid. p.32.

Figure 5. Citizen Participation on Statewide Committees

State	Citizen Participation on the State's Enhancement Advisory Committee[105]
Maine	Yes. A Subcommittee of the Statewide Bicycle Council reviews the enhancements projects and makes recommendations on bike/ped issues.[106]
Massachusetts	No.
New Hampshire	Yes. Rail trail advocates are invited on the panel that reviews proposals.[107]
New Jersey	Yes.
New York	Yes. The panel includes a citizen advocate for each broad category. For example, an advocate from the Transportation Alternatives bicycle advocacy group would focus on bike/ped projects.[108]
Rhode Island	Yes. Citizens are included on the panel, including some that are pro-bicycle.[109]
Vermont	Yes. Citizens are included on the panel. Currently a nationally recognized expert on bike/ped issues sits on the Committee.

[105] See <www.enhancements.org/> (Visited 15 Jan. 2001).
[106] Della Penna, Craig. New England Representative, Rails-to-Trails Conservancy. Email to Amy Panek. 20 Apr. 2001.
[107] Ibid.
[108] Ibid.
[109] Ibid.

A National Perspective

Other states across the country that prioritize transportation enhancements spending can serve as models for Massachusetts. A section of the Summer 2000 edition of *Rails to Trails* magazine highlights governors who backed initiatives to create more greenways and trails in their states.[110] "Why is the trails message from governors so strong? A statement to *Rails to Trails* by New York Governor Pataki says it all: 'With each passing year, more and more New Yorkers look to the outdoors for safe, healthy, and affordable recreation opportunities.'" [111]

The Sunshine State Gets Glowing Reviews

The National Transportation Enhancements Clearinghouse reports, "Florida is one of the top five states for programming, obligations, and reimbursements."[112] Florida practices that Massachusetts can learn from and apply include implementation of an effective task force to improve its program, decentralization of the enhancements application and review process, a strong state commitment to building new trails and recognition of the difference between design and construction of a road or bridge versus a trail.[113]

Florida formed a task force at the beginning of enhancements funding to discover ways to structure their program to streamline the application and implementation process for communities and the Florida Department of Transportation (FDOT).[114] The task force was unafraid to propose and implement innovative suggestions such as decentralizing the enhancements program and providing the regional and local agencies with the ability to control, manage, and implement their enhancements funding.[115]

Furthermore, FDOT uses a different agency review process for its enhancements projects. Marshall Dougherty of FDOT District One says emphatically, "[our enhancements] mantra is, 'We're building sidewalks not highways!'" Mr. Dougherty views the overall concept for enhancements projects as *less* design rather than more. In addition, "FDOT and the FHWA division in Florida are willing to build TE projects according to the 'overwhelmingly predominant intended use' rather than for the exception to the rule."[116] For example, rail trails do not need to be "designed and built to support constant use by emergency vehicles."[117]

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[110] "Governors Go Green." Rails to Trails. Summer 2000: 6.
[111] Ibid.
[112] Betts, Megan. "Florida, A TE Success Story." Technical Brief – Innovations in State TE Management. National Transportation Enhancements Clearinghouse. Mar. 2000; 4.
[113] Ibid.
[114] Ibid.
[115] Ibid.
[116] Ibid.: 5.
[117] Ibid.: 5.

The following are some positive strategies for building rail trails from neighboring New England states. Highlights from these programs include quick turn-around times for enhancements applications, state commitments to building rail trails, citizen participation on statewide enhancement committees and acceptance of alternative surfaces.

Vermont has Rail Trail Vision

Vermont has received numerous accolades from the National Transportation Enhancements Clearinghouse for its very high transportation enhancements obligation and reimbursement rates.[118] Amy Bell, Vermont's Bike/Ped Coordinator, explained that their Enhancement Advisory Committee, which is multi-disciplinary and has citizen involvement, emphasizes quick turn-around times for its enhancements projects.[119] If a project is not ready to move that year, the Committee asks the applicants to wait for next year's funding. In addition, since many rail lines already have existing drainage and ditching, the state does not hold rail trails to the same scrutiny as highways.[120] The state finds that streamlining the project development process saves time as well as money.[121]

The state also adds money to its budget to supplement the Vermont Agency of Transportation's federal enhancements dollars because these projects are so popular, and it actively buys rail lines that are up for sale. As a result, more than 70% of rail lines in Vermont are owned by the state.[122]

The surfaces of Vermont's rail trails depend on the anticipated use and the state is currently working on guidelines to explain to future applicants how surface decisions are made.[123] Some Vermont rail trails use crushed limestone or soil binders to create a trail that complies with federal disability standards, funded with federal money.[124] In contrast, Massachusetts has not embraced alternative surfaces.

Vermont's *Bicycle and Pedestrian Plan* also includes recommendations for continuing to rail bank abandoned corridors, creating a Rail Trail Task Force, and developing "a system to expedite the design and construction of rail trails." [125]

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[118] Transportation Enhancements: Summary of Nationwide Spending & Policies as of FY 1999. National Transportation Enhancements Clearinghouse. May 2000; Changing Direction: Federal Transportation Spending in the 1990's. Surface Transportation Policy Project. 2000.
[119] Bell, Amy. Bike/Ped Coordinator, Vermont Agency of Transportation. Personal interview. 17 Oct. 2000.
[120] Ibid.
[121] Valentine, Kate. "TEAchallenge Salutes State Excellence." Connections: The National Transportation Clearinghouse Newsletter. Spring 2001.
[122] Ibid.
[123] Ibid.
[124] Ibid.
[125] Vermont. Agency of Transportation. Bicycle and Pedestrian Plan. Dec. 1998.

New Hampshire and Rhode Island: Solid performers

New Hampshire and Rhode Island approach enhancements spending in slightly different ways, but the general outcomes of their programs are that trails are being built and enhancements money is being obligated and spent.

New Hampshire was ranked 10th by NTEC for completing rail trails.[126] This state has a very active rail-buying program and its rail trails are both local and state projects.[127] New Hampshire's Department of Transportation (DOT) is not intimately involved with enhancements projects. Instead, the agency reviews projects periodically and helps with the financing, but the municipality is considered the lead agency.[128] A timeline keeps the lead sponsor connected and accountable to the NH DOT headquarters, but the sponsor handles the study, design, review, construction bid and advertising of the project.[129]

Rhode Island is committed to moving enhancements projects through the pipeline in a timely fashion. The Rhode Island Department of Transportation (RIDOT) lists initiatives to streamline their enhancements process that include:

- "Adding staff to accommodate increasing project management demands.
- Increasing the funding level of Enhancements to an average of approximately $7.0 million per year through 2006.
- Providing project applicants and communities the opportunity to utilize their internal departments to aid in the design process, thereby conserving Enhancement funds for field construction project costs.
- Developing a RIDOT project tracking program for all enhancement projects."[130]

Three critical issues for all states and their transportation enhancements programs are the decisions made regarding funding, design standards, and local control over the projects (including the surfaces of proposed rail trails). Numerous opportunities and models exist for each state to tailor its program to meet the needs of its citizens and to be effective and accountable.

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[126] NTEC estimated their obligation rate at 76%.

[127] Morgan, Christopher. Administrator, Railroad Section, New Hampshire Department of Transportation. Personal interview. 18 Oct. 2000.

[128] New Hampshire. Department of Transportation. Congestion Mitigation and Air Quality & Transportation Enhancement Projects. Apr. 2000: 3.

[129] Ibid.

[130] Rhode Island. Department of Transportation. Annual Report: Transportation Enhancement Program. Sept. 2000: 8-9.

FINDINGS AND RECOMMENDATIONS

Findings:

- Published reports by experts in the field and feedback by advocates and transportation planners indicate that Massachusetts has not made rail trail development a priority; as a result, there is a backlog of almost 100 bicycle and pedestrian projects waiting for approval or funding from Mass Highway.

- For the past several years, the MBTA has insisted that communities pay fair market value for abandoned railbeds – a policy that has delayed numerous trail projects. To its credit, the MBTA Board of Directors, led by Secretary Kevin Sullivan, has recently reversed its policy and will now allow the MBTA to transfer these properties to cities and towns for no fee. However, other concerns remain, such as encroachments into rights-of-way by neighboring land owners, and the lack of a clear policy for the transfer of rail corridors owned by other state agencies such as the Massachusetts Turnpike Authority (Mass Pike).

- Mass Highway's lengthy review process and high engineering design standards for rail trails are viewed as too rigorous by some engineers, transportation planners and advocates. The interminable waiting periods for review, approval and funding often result in frustration among local officials, and an inability to move rail trail projects forward. Other states have successfully streamlined the process for building rail trails.

- One category of federal funding that focuses on transportation-related pollution control provides an historic opportunity to build rail trails. These federal funds are in danger of lapsing if they are not spent soon. Last year, Mass Highway's decision to release $40 million to its regional agencies allowed rail trail and bicycle/pedestrian projects to move forward. Over the next two years, there will be more than $75 million available from this funding source; funding that will start to lapse if not spent by October 1, 2001.

- Mass Highway has not historically embraced local community options that would allow rail trails built by federal dollars to be unpaved. Other surfaces, such as crushed stone dust trails, can be built at a fraction of the cost, are popular in neighboring states and meet all applicable disability access standards.

- Unlike nearby states, Massachusetts does not have a citizen advocate for rail trails on the state's Transportation Enhancement Steering Committee.

Recommendations:

- The Secretary of the Executive Office of Transportation and Construction should prioritize the bicycle/pedestrian backlog and submit a plan of action to the Legislature by December 1, 2001 describing how the backlog of bicycle/pedestrian projects will be addressed.

- The MBTA should aggressively implement its policy of transferring surplus property to Commonwealth communities for no fee for use as recreational trails. In addition, the MBTA should ensure that businesses that encroach on rights-of-way do not violate the integrity of rail trails. Finally, other entities like Mass Pike should follow the MBTA's lead and adopt a similar policy of providing surplus rail corridors to communities for no fee for rail trail development.

- The Commissioner of Mass Highway should create a task force including an outside group of engineers and citizen advocates to streamline the review process for bicycle and pedestrian projects, consider design reforms and review opportunities to give local communities more control over their projects.

- Mass Highway should take this historic opportunity to use the currently available federal transportation-related pollution control funds for rail trail development. More than $75 million of this money will be sent back to the federal government if it is not spent in a timely fashion. The department should authorize its regional agencies to use these federal funds on rail trail projects that are awaiting funding.

- Mass Highway should be flexible in allowing communities to control decisions about the type of trail surface that best fits their needs, as long as these surfaces conform to federal Americans with Disabilities Act (ADA) standards. Mass Highway should have a clear policy that allows communities to look at various options for rail trail surfaces.

- Mass Highway should add a rail trail advocate to their state-level Transportation Enhancement Steering Committee. This appointment would underline the Commonwealth's commitment to rail trail development.

Technical Glossary

Apportionment: Also known as "programming," this term refers to the very first step in the enhancements funding process. At this stage projects have been approved at the state level and are listed in the Statewide Transportation Improvement Program (STIP).

Congestion Mitigation and Air Quality (CMAQ): A federally funded transportation program that aims to reduce transportation-related emissions in areas where levels of ozone, carbon monoxide and particulate matter pollutants are not meeting national air quality standards. In 1999 the Federal Transit Administration reported that over $8.1 billion dollars have been authorized over the life of the 6-year program (1998-2003).

Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA): The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, pronounced "ice-tea") was the first comprehensive federal initiative that specifically allocated funds for alternative transportation projects. Enhancements funds can be used for a variety of projects including, but not limited to, bicycle and pedestrian facilities, historic and scenic preservation and programming, and rail trail development.

Lapsing: The situation in which federal money that was given to a state for transportation purposes is not used by a specific date, and is then required to be returned to the federal government. CMAQ funds lapse if they are not spent in four years time.

Massachusetts' Enhancements Program:

History - The Commonwealth began receiving ISTEA funds in 1991. However, from 1991-1993, the Massachusetts Highway Department chose to funnel most of their federal transportation dollars into the Central Artery Project. After 1993, a transportation enhancements program was formed and more communities were apprised of its existence and were invited to apply. In 1995, Massachusetts began distributing CMAQ funds for enhancements projects. By the time the 1998 approved TEA-21 was implemented in Massachusetts, the Commonwealth's overall level of federal transportation funding had plummeted 40%. The decrease in funding affected all transportation programs and continues to force difficult transportation decision-making today.

Guidelines - The Massachusetts guidelines for enhancements applications are revised on an annual basis. The most recent changes include restricting the use of enhancements funds for planning and preliminary design and decreasing the state match. In Massachusetts, TEA-21 funds have historically been distributed using an 80-20-10 split (80% federal funding, a 20% state match, and a 10% local overmatch). The new guidelines will establish the distribution as 80-10-10 (80% federal, 10% state and 10% local).

Application process – The application process consists of a series of reviews. In general, the review for TE applications begins with the submittal of a proposed enhancements project to the community's Regional Planning Agency. The Regional Planning Agency closely reviews each proposal. If the proposal meets the criteria outlined in the Guidelines and the Regional Planning Agency is able to budget the program into their Regional Transportation Improvement Program (TIP), the project moves to the region's Mass Highway District office for its next review. The project is subsequently reviewed at the Mass Highway headquarters in Boston, where it begins another lengthy review before potentially being approved to be programmed on the state-level TIP. Although enhancements awards are decided on a rolling basis, funding opportunities occur once a year. The design process for a rail trail enhancements project generally takes at least two years, and the entire project can take many more years.

Obligate: Even after a project is programmed on the state-level TIP, the state must "obligate" or formally commit the amount of funds needed for the project from the transportation budget. These commitments are generally made when a project is ready to hire consultants or contractors to begin billable work.

Rail banking: A type of agreement between a rail carrier ready to abandon a rail line and a party interested in converting the rail line for trail use. Rail banking allows the use of the line for a trail while preserving the option of restoring rail service to the line in the future. This agreement also keeps the right-of-way intact and precludes the rights of use of adjoining property owners. According to a 1999 GAO Report, three formerly rail banked lines have been returned to rail service nationally.

Regional Planning Agency: Massachusetts is divided into 13 planning regions. Each region has a planning agency that carries out federally funded transportation plans and programs. The agencies work with Mass Highway to determine which local projects will receive funding through the Statewide Transportation Improvement Program (STIP), which includes enhancements projects.

Reimbursement: The last step in the enhancements funding process. Once an enhancements project phase is completed, the state receives federal funds to pass on to the communities for their work.

Right-of-way: For the purposes of this report, the land directly occupied by the rail line and the linear property that directly abuts it, generally 10 to 20 feet in width.

Surface Transportation Program (STP): The category of federal transportation funding highly valued by states for its flexibility in program funding. Within the STP category is money intended to be set aside for the state's enhancements program. For enhancements programs to work as intended, states are encouraged to set aside 10% of their total STP funding each year for enhancements projects. The federal government established the enhancements program to act as an 80% federal contribution towards a chosen project, with the localities providing a 20% match.

Transportation Equity Act for the 21st Century (TEA-21): ISTEA was reauthorized by Congress in 1998, and renamed the Transportation Equity Act for the 21st Century (TEA-21). Provided that the projects meet the federal guidelines for eligibility under TEA-21, states have a great deal of flexibility in establishing their own eligibility requirements, and determining which projects to fund. Each year, states earmark TEA-21 money into different spending categories such as bridge projects, interstate maintenance and enhancements.

Transportation Improvement Program (TIP): A transportation-planning document that details what transportation projects will likely be funded with federal assistance over a given three-year period. Each Regional Planning Agency submits its region's priority projects for inclusion in this document.

APPENDICES

- Copy of the Mass Highway worksheet with active and completed bicycle/pedestrian projects
- Federal Highway Administration (FHWA) worksheet – the amount of money that will lapse in Massachusetts' CMAQ account if not spent.

APPENDIX 1.

Enhancement Bike/Ped Projects 1992-2000	Type of Project	Year Funded	City	Federal Sources	Project Phase	Status		Funding Source
(Regional Multi-Trails) Bicycle and Pedestrian Trails (Phase 4) FY99	BikePed	1999	Worcester	TEA-21	Construction	Active	CMRPC	
Alewife Fresh Pond Parkway FY96	BikePed	1996	Cambridge	ISTEA	Construction	Merged	MAPC	
Assabet River Rail Trail FY98	BikePed	1998	Hudson	TEA-21	Design	Active	MAPC	
Ayer-Dunstable Rail Trail FY95	BikePed	1995	Ayer	ISTEA	Planning	Completed	MRPC	
Bartlett Road Bike Path FY98	BikePed	1998	Nantucket	TEA-21	Design	Active	NPEDC	
Basketball Hall of Fame/ Tourist Info Cntr FY97	BikePed	1997	Springfield	NHA	Design/Construction	Active	PVPC	
Bedford Depot Park (Construction) FY97	BikePed	1997	Bedford	NHA	Construction	Active	MAPC	Some CMAQ
Belchertown Rail Trail FY97	BikePed	1997	Belchertown	NHA	Design	Withdrawn	PVPC	
Beverly Bikeway (des) FY97	BikePed	1997	Beverly	NHA	Design	Active	MAPC	
Bicycle & Equestrian Pathway FY97	BikePed	1997	Fairhaven	NHA	Construction	Completed	SRPEDD	
Bicycle Facility FY97	BikePed	1997	Swansea	NHA	Construction	Active	SRPEDD	
Bicycle Path FY96	BikePed	1996	Provincetown	ISTEA	Acquisition	Withdrawn	CCC	
Bicycle Pathway(des) FY96	BikePed	1996	East Longmeadow	ISTEA	Design	Completed	PVPC	
Bicycle Trail (design) FY97	BikePed	1997	Plymouth	NHA	Design	Active	OCPC	
Bicycle/Pedestrian Pathway FY97	BikePed	1997	New Bedford	NHA	Construction	Completed	SRPEDD	
Bike To The Sea FY98	BikePed	1998	Everett	TEA-21	Design	Active	MAPC	
Bikeway (lanes and benches) & Greenspace FY97	BikePed	1997	Leominster	NHA	Construction	Active	MRPC	
Bikeway Bridges FY97	BikePed	1997	Greenfield	NHA	Construction	Active	FRCOG	
Bikeway FY96	BikePed	1996	Peabody	ISTEA	Construction	Active	MAPC	
Bikeway FY98	BikePed	1998	Wareham	TEA-21	Design	Active	SRPEDD	
Blackstone River Walkway FY97	BikePed	1997	Uxbridge	NHA	Design	Active	CMRPC	
Buzzards Bay Train Station FY96	BikePed	1996	Bourne	ISTEA	Construction	Completed	CCC	
Calvary Street Footbridge FY96	BikePed	1996	Waltham	ISTEA	Construction	Completed	MAPC	
Cambridge Common FY97	BikePed	1997	Cambridge	NHA	Construction	Active	MAPC	
Canalwalk & Connecticut Riverwalk FY98	BikePed	1998	Holyoke	TEA-21	Design	Active	PVPC	
Canalway Wayside and Directional Signs	BikePed	2000	Statewide	TEA-21	Design	Active	NMCOG	
Cape Cod Railtrail Bridges FY97	BikePed	1997	Statewide	NHA	Construction	Active	Statewide	
Central Mass Regional Trails (Phase 3) FY98	BikePed	1998	Worcester	TEA-21	Des/Const	Active	CMRPC	Some CMAQ

Central Square Enhancement Project FY99	BikePed	1999	Chelmsford	TEA-21	Des/Const	Merged	NMCOG	
Chatham Center Streetscape Improvements FY99	BikePed	1999	Chatham	TEA-21	Construction	Active	CCC	
Chicopee Riverwalk & Bikeway (const) FY98	BikePed	1998	Chicopee	TEA-21	Construction	Active	PVPC	
Chicopee Riverwalk (const) FY97	BikePed	1997	Chicopee	NHA	Construction	Active	PVPC	
Chicopee Riverwalk (des) FY96	BikePed	1996	Chicopee	ISTEA	Design	Active	PVPC	
City Hall Plaza FY96	BikePed	1996	Pittsfield	ISTEA	Construction	Completed	BRPC	
Connecticut River Parkland Link Bikeway FY98 - dropped -	BikePed	1998	Montague	TEA-21	Design	Withdrawn	FRCOG	
Connecticut Riverwalk (const) FY98	BikePed	1998	Chicopee	TEA-21	Construction	Active	PVPC	
Connecticut Riverwalk (des) FY96	BikePed	1996	Chicopee	ISTEA	Design	Active	PVPC	
Connecticut Riverwalk (Phase 1) FY95	BikePed	1995	Agawam	ISTEA	Design	Completed	PVPC	
Connecticut Riverwalk (Phase 2) FY96	BikePed	1996	Agawam	ISTEA	Des/Const	Active	PVPC	
Connecticut Riverwalk (Phase 3) FY97	BikePed	1997	Agawam	NHA	Design/Construction	Active	PVPC	
Connecticut Riverwalk: Construction & Ammenities (FY98)	BikePed	1998	Springfield	TEA-21	Construction	Active	PVPC	
Connecticut Riverwalk-Phase 2 (construction)	BikePed	1996	Springfield	ISTEA	Construction	Active	PVPC	CMAQ
Dartmouth St Plaza at Copley Square FY99	BikePed	1999	Boston	TEA-21	Construction	Active	MAPC	
Dartmouth Street Plaza Expansion FY98	BikePed	1998	Boston	TEA-21	Construction	Active	MAPC	CMAQ
Dennis J. Moran Park FY97	BikePed	1997	Natick	NHA	Construction	Active	MAPC	
Downtown Enhancements FY97	BikePed	1997	Easton	NHA	Design	Active	OCPC	
Downtown Riverwalk FY98	BikePed	1998	Waltham	TEA-21	Construction	Active	MAPC	CMAQ
Downtown Streetscape FY96	BikePed	1996	Framingham	ISTEA	Construction	Completed	MAPC	
Downtown Streetscape FY96	BikePed	1996	Greenfield	ISTEA	Design	Completed	FRCOG	
Downtown Streetscape Improvements FY99	BikePed	1999	Pittsfield	TEA-21	Construction	Active	BRPC	
DW Field Park (Phase 3) FY97	BikePed	1997	Brockton	NHA	Construction	Active	OCPC	
DW Field Park (Phase I) FY95	BikePed	1995	Brockton	ISTEA	Construction	Completed	MAPC	
DW Field Park (Phase II) FY96	BikePed	1996	Brockton	ISTEA	Construction	Completed	OCPC	
East Boston Greenway FY97	BikePed	1997	Boston	NHA	Construction	Completed	MAPC	
East Boston Greenway-Conrail Sgmnt-(Phase 2) FY99	BikePed	1999	Boston	TEA-21	Construction	Active	MAPC	Some CMAQ
Eel Point Bicycle Path FY97	BikePed	1997	Nantucket	NHA	Construction	Active	NPEDC	CMAQ
Fairgrounds Road Bicycle Path FY99	BikePed	1999	Nantucket	TEA-21	Construction	Merged	NPEDC	
Fairgrounds Road FY98	BikePed	1998	Nantucket	TEA-21	Design	Active	NPEDC	
Five Corners Walkway (des) FY96	BikePed	1996	Nantucket	ISTEA	Design	Active	NPEDC	
Franklin County Bikeway (acq) FY96	BikePed	1996	Montague/Deerf	ISTEA	Acquisition	Completed	FRCOG	

Fresh Pond Parkway Multi-use Facility FY98	BikePed	1998	Cambridge	TEA-21	Construction	Active	MAPC	
Greenfield Downtown Streetscape	BikePed	2000	Statewide	TEA-21	Construction	Active	FRCOG	
Greenway Project (Phase II) FY96	BikePed	1996	North Andover	ISTEA	Design	Active	MVPC	
Groton Road Bike/Ped Improvements FY98	BikePed	1998	Westford	TEA-21	Design	Active	NMCOG	
Harborwalk at Children's Wharf	BikePed	2000	Boston	TEA-21	Construction	Active	MAPC	CMAQ
Herring Brook Valley Lane Boardwalk FY98	BikePed	1998	Pembroke	TEA-21	Design	Active	MAPC-OCPC	
Highland Division Rail Trail FY98	BikePed	1998	Springfield	TEA-21	Design/Acquisition	Active	PVPC	
Historic Downtown Streetscape FY97	BikePed	1997	Chelsea	NHA	Construction	Active	MAPC	
Historic Walkway Enhancement Project FY99	BikePed	1999	Cohasset	TEA-21	Construction	Active	MAPC	
Historic Waterfront Walkway (Phase 2)	BikePed	2000	Haverhill	TEA-21	Des/Const	Active	MVPC	CMAQ
Housatonic River Greenway FY96	BikePed	1996	Pittsfield	ISTEA	Design	Active	BRPC	
Housatonic River Greenway FY98	BikePed	1998	Gr. Barrington	TEA-21	Design	Active	BRPC	
Hyannis Intermodal Service Center	BikePed	1999	Barnstable	TEA-21	Construction	Merged	CCC	
Intermodal Multiuse Pathway FY98	BikePed	1998	Bridgewater	TEA-21	Design	Active	OCPC	
In-town Bicycle Path (Phase 2) FY97	BikePed	1997	Nantucket	NHA	Design	Active	NPEDC	
Jamaica Pond FY97	BikePed	1997	Boston	NHA	Construction	Active	MAPC	
Kimball St Walkway FY97-dropped-	BikePed	1997	Fitchburg	NHA	Design	Withdrawn	MRPC	
Kingsley Park Bridge Bikeway FY95	BikePed	1995	Cambridge	ISTEA	Construction	Merged	MAPC	
Linking the Corridors Bike/Ped FY98	BikePed	1998	Boston	TEA-21	Construction	Active	MAPC	
Little Bay Conservation Loop FY98	BikePed	1998	Fairhaven	TEA-21	Construction	Active	SRPEDD	
Mahican Mohawk Trail of Peace FY96	BikePed	1996	Williamstown	ISTEA	Des/Const	Completed	BRPC	
Main Street Enhancements FY97	BikePed	1997	Amesbury	NHA	Construction	Active	MVPC	
Main Street Enhancements FY97	BikePed	1997	Holden	NHA	Design	Merged	CMRPC	
Main Street Enhancements FY98	BikePed	1998	Amesbury	TEA-21	Construction	Active	MVPC	
Main Street Landscaping Beautification FY99	BikePed	1999	Concord	TEA-21	Design	Active	MAPC	
Manhan - Norwottuck Link FY97	BikePed	1997	Northampton	NHA	Design	Active	PVPC	
Manhan Rail Trail (Acq) FY96	BikePed	1996	Easthampton	ISTEA	Acquisition	Completed	PVPC	
Manhan Rail Trail (const) Phase I FY99	BikePed	1999	Easthampton	TEA-21	Construction	Active	PVPC	HPP
Manhan Rail Trail (des) FY97	BikePed	1997	Easthampton	NHA	Design	Active	PVPC	
Manhan Rail Trail (Phase 2)	BikePed	2000	Easthampton	TEA-21	Construction	Active	PVPC	
Manhan Rail Trail FY96 (North and Easthampton)	BikePed	1996	Northampton	ISTEA	Des/Const	Active	PVPC	

Marblehead Branch Acquisition FY96	BikePed	1996	Salem	ISTEA	Acquisition	Completed	MAPC	
Marblehead Trail (Phase 2) FY97	BikePed	1997	Salem	NHA	Design	Active	MAPC	
Mattapoisett Multi-Use Path FY98	BikePed	1998	Mattapoisett	TEA-21	Design	Active	SRPEDD	
MDC Pedestrian Walkway (Phase Ia) FY96	BikePed	1996	Newton	ISTEA	Construction	Completed	MAPC	
MDC Pedestrian Walkway (Phase Ib) FY97	BikePed	1997	Newton	NHA	Construction	Completed	MAPC	
Medford Square Lighting	BikePed	2000	Medford	TEA-21	Construction	Active	MAPC	
Merrimac River Trail FY98	BikePed	1998	Tewksbury	TEA-21	Design	Active	NMCOG	
Merrimack River Walkway FY96	BikePed	1996	Haverhill	ISTEA	Design	Active	MVPC	
Methuen Riverwalk (des) FY97	BikePed	1997	Methuen	NHA	Design	Completed	MVPC	
Methuen Riverwalk-Phase I (const) FY99	BikePed	1999	Methuen	TEA-21	Construction	Active	MVPC	
Metrowest Bike Map FY95	BikePed	1995	Statewide	ISTEA	Planning	Completed	Statewide	
Middlesex Canal (Phase 2)	BikePed	1998	Statewide	TEA-21	Design	Active	Statewide	
Miles Interpretive Park (const) FY97	BikePed	1997	Greenfield	NHA	Construction	Completed	FRCOG	
Miller Falls Downtown Streetscape Improvement FY99	BikePed	1999	Montague	TEA-21	Design	Active	FRCOG	
Millers River Greenway FY97 (3 AGRMTS)	BikePed	1997	Athol	NHA	Design	Active		
Minuteman Bikeway Artwork FY95	BikePed	1995	Cambridge	ISTEA	Construction	Completed	MAPC	
Monument Beach Rail Corridor FY96	BikePed	1996	Bourne	ISTEA	Construction	Completed	CCC	
Multi-use Trails FY98	BikePed	1998	Westfield	TEA-21	Design	Active	PVPC	
Nashua R. Trail (and sidewalks) at Searstown (const) FY96	BikePed	1996	Leominster	ISTEA	Des/Const	Active	MRPC	CMAQ
Nashua River Rail Trail/Ayer Dunstable Rail Trail FY97	BikePed	1997	Ayer	NHA	Construction	Active		CMAQ
Natick Center Bike/Ped Improvements FY98	BikePed	1998	Natick	TEA-21	Design	Merged	MAPC	Some CMAQ
Neponset River Bikeway FY98	BikePed	1998	Boston	TEA-21	Construction	Active	MAPC	CMAQ
Nobadeer Road Bike Path FY98	BikePed	1998	Nantucket	TEA-21	Design	Active	NPEDC	
North Beach Street FY95	BikePed	1995	Nantucket	ISTEA	Construction	Completed	NPEDC	
North Central Multiuse Pathway FY98 (Acq)	BikePed	1998	Gardner	TEA-21	Acquisition	Active	MRPC	
North Central Pathway FY97 (des)	BikePed	1997	Gardner	NHA	Design	Active	MRPC	
North Central Pathway Phase 3 FY99 (constr)	BikePed	1999	Gardner	TEA-21	Construction	Active	MRPC	
North Street Phase II Streetscape FY98	BikePed	1998	Fitchburg	TEA-21	Construction	Active	MRPC	
North Suburban Area Regional Bike Plan FY98	BikePed	1998	North Reading	TEA-21	Planning	Active	MAPC	
Norwottuck & Manhan Railtrails (acq) FY98	BikePed	1998	Northampton	TEA-21	Acquisition	Active	PVPC	HPP
Norwottuck & Williamsburg Rail Trails (des) FY96	BikePed	1996	Northampton	ISTEA	Design	Active	PVPC	
Old Colony Multi-Purpose Trail FY99	BikePed	1999	Mansfield	TEA-21	Construction	Active	SRPEDD	
Old South Road Bicycle Path	BikePed	2000	Nantucket	TEA-21	Construction	Active	NRPEDC	

Pawtucket Boulevard Multiuse Pathway FY98	BikePed	1998	Tyngsborough	TEA-21	Construction	Deferred	NMCOG	
Pedestrian Tunnel (des&const) FY95	BikePed	1995	Gr. Barrington	ISTEA	Design	Active	BRPC	
Pemburton Pier Site Improvements FY98	BikePed	1998	Hull	TEA-21	Construction	Active	MAPC	
Pleasant Street Pedestrian Improvements FY98	BikePed	1998	Nantucket	TEA-21	Design	Active	NPEDC	
Post Office Square Streetscape Improvements FY99	BikePed	1999	Sharon	TEA-21	Construction	Merged	MAPC	
PowWow Riverwalk Phase 1&2 (const) FY99	BikePed	1999	Amesbury	TEA-21	Construction	Active	MVPC	
Powwow Riverwalk(const) FY97	BikePed	1997	Amesbury	NHA	Construction	Active	MVPC	
Pre-Engineered Pedestrian Bridge FY96	BikePed	1996	Lenox	ISTEA	Construction	Completed	BRPC	
Prospect Street Walkway FY96	BikePed	1996	Nantucket	ISTEA	Des/Const	Active	NPEDC	
Rails to Trails (CONST-PHS 1) FY98	BikePed	1998	Southwick	TEA-21	Construction	Active	PVPC	
Rails to Trails (DES-PHS 1: CT Line to Pt. Grove Rd) FY97	BikePed	1997	Southwick	NHA	Design	Active	PVPC	
Rails to Trails (DES-PHS 2: Pt. Grove Rd to Westfield TL) FY98	BikePed	1998	Southwick	TEA-21	Design	Active	PVPC	
Rails to Trails (Phase 2) FY97	BikePed	1997	Newburyport	NHA	Design	Active	MVPC	
Rails to Trails Study FY95	BikePed	1995	Newburyport	ISTEA	Planning	Completed	MVPC	
Regional Bicycle Path FY98	BikePed	1998	Fall River	TEA-21	Design	Active	SRPEDD	
Regional Multi-Use Pathway (Phase II)	BikePed	1997	Worcester	NHA	Planning/Const.	Active	CMRPC	Some CMAQ
Riverside Greenway/Greenfield Bikeway Phase II FY99	BikePed	1999	Greenfield	TEA-21	Design	Active	FRCOG	CMAQ
Riverwalk FY97	BikePed	1997	Ipswich	NHA	Construction	Active	MAPC	
Route 146 Enhancements	BikePed	1998	Statewide	TEA-21	Design	Withdrawn	Statewide	
Rt. 12 Streetscape & Quality Improvements	BikePed	1999	Auburn	TEA-21	Des/Const	Merged	CMRPC	
Salem Multi-use Trail (Phase 2) FY98	BikePed	1998	Salem	TEA-21	Design	Active	MAPC	
Salisbury Rail Trail FY98	BikePed	1998	Salisbury	TEA-21	Design	Active	MVPC	
Shawsheen River Greenway FY97	BikePed	1997	Lawrence	NHA	Design	Active	MVPC	
Shelburne Falls Village Ped Amenities (Dowtown Streetscape) FY98	BikePed	1998	Buckland	TEA-21	Construction	Active	FRCOG	
Somerville Ave Streetscape Improvements Bordering Conway Park FY99	BikePed	1999	Somerville	TEA-21	Construction	Merged	MAPC	
Somerville-Cambridge-Belmont Bikepath FY99	BikePed	1999	Somerville	TEA-21	Construction	Active	MAPC	
South Street Enhancement Project FY99	BikePed	1999	Stockbridge	TEA-21	Design	Active	BRPC	
South Street Pathway (Constr) FY96	BikePed	1996	Boston	ISTEA	Construction	Active	MAPC	CMAQ
South Street Pathway (Design) FY95	BikePed	1995	Boston	ISTEA	Design	Completed	MAPC	
SouthCove Harbor Trail Bike/Ped FY98	BikePed	1998	Boston	TEA-21	Design	Active	MAPC	

Springfield Pedestrian Access	BikePed	1993	Springfield	ISTEA	Construction	Completed	PVPC
Streetscape Improvement Project FY99	BikePed	1999	Sunderland	TEA-21	Design	Active	FRCOG
Streetscape Improvements FY97	BikePed	1997	Ashfield	NHA	Construction	Active	FRCOG
Taunton River Bike Trail FY99	BikePed	1999	Taunton	TEA-21	Design	Active	SRPEDD
Town Center Enhancements	BikePed	2000	Wayland	TEA-21	Construction	Active	MAPC
Town Hall Square FY96	BikePed	1996	Sandwich	ISTEA	Construction	Merged	CCC
Tremont Yard Trolley Terminus FY96	BikePed	1996	Lowell	ISTEA	Construction	Completed	NMCOG
Tri-Community Bikeway FY98 (des)	BikePed	1998	Winchester	TEA-21	Design	Active	MAPC
Tri-Community Bikeway FY99 (const)	BikePed	1999	Winchester	TEA-21	Construction	Active	MAPC
Umass Bikeway Connector (const) FY99	BikePed	1999	Amherst	TEA-21	Construction	Active	PVPC
UMass Bikeway Connector (design) FY97	BikePed	1997	Amherst	NHA	Design	Completed	PVPC
Upper Charles River Reservation Restoration FY99	BikePed	1999	Newton	TEA-21	Construction	Active	MAPC
Upper Charles Trail FY99	BikePed	1999	Holliston	TEA-21	Construction	Active	MAPC
Village Center (Phase I) FY96	BikePed	1996	Erving	ISTEA	Construction	Completed	FRCOG
Village Center (Phase II) FY97	BikePed	1997	Erving	NHA	Construction	Completed	FRCOG
Village Green (FY97)	BikePed	1997	Sheffield	NHA	Construction	Active	BRPC
Walkway to the Sea FY99	BikePed	1999	Barnstable	TEA-21	Construction	Active	CCC
Ware River Valley Rail Trail FY98	BikePed	1998	Ware	TEA-21	Design	Active	PVPC
Waterfront Heritage Park FY98	BikePed	1998	Quincy	TEA-21	Construction	Withdrawn	MAPC
West Central Street (Route 135) FY96	BikePed	1996	Natick	ISTEA	Construction	Completed	MAPC
Worcester Regional Trails (Phase 1) FY96	BikePed	1996	Worcester	ISTEA	Construction	Completed	CMRPC

Appendix 2.

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U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

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STATUS OF FUNDS - MASSACHUSETTS
AS OF 01/31/2001

FUND		FY-2001 APPOR-TIONMENT	AVAILABLE FY-2001	OBLIGATIONS FY-TO-DATE	UNOBLIGATED BALANCE	POSSIBLE LAPSE END OF FISCAL YEAR 2001	2002	2003	2004
FUNDS SUBJ TO ANNUAL OBLIG LIM									
APPORTIONED FUNDS									
INTER 56 CONSTR	042		124,682,002	41,127,063	83,554,939				
INTERSTATE 4R	044			12,318-	12,318				
INT MAINT-TEA21	Q01	81,110,211	190,088,230	11,737,129	178,351,101				
INTST MAINT LAPSE						22,314,812	34,383,988	40,554,408	81,110,211
INTERSTATE TRANSFER	177								
CONSOL. PRIMARY	010			75,528-	75,528	75,528			
RURAL SECONDARY	07S			14,926-	14,926	14,926			
REC TRAIL-TEA21	Q94	751,500	2,289,823		2,289,823	193,597	608,567	736,159	751,500
RESDISTRIB FDS	Q03	4,435,133	14,506,073		14,506,073	1,236,740	4,361,476	4,472,724	4,435,133
NHS	31S		478,613		478,613				
NHS-TEA21	Q05	86,175,896	133,328,782	1,879,754	131,449,027				
NHS LAPSE								45,751,745	86,175,896
CMAQ TEA21	Q40	27,341,887	148,089,293	13,136,740	134,952,553				
CMAQ LAPSE						25,660,072	56,349,619	25,600,975	27,341,887
2% HPR-TEA21	Q55	7,640,028	29,606,057	4,003,404	25,602,653				
SPR LAPSE						3,879,338	6,812,299	7,270,988	7,640,028
MAN 25% STY HPR	086		205,933	20,000	185,933				
25% ST HPR-TEA	Q56	2,546,676	6,695,101	1,293,015	5,402,086				
25% SAFETY LAPSE							617,680	2,423,663	2,546,676
METRO PLAN-1%	08S		89		89				
1% MP-TEA21	Q4S	5,495,100	14,331,546	6,266,863	8,064,683				
METRO PLAN LAPSE								2,569,672	5,495,100
BR REPL-15% OFF	117		545,019	216,478	328,541				
BR REPL-65% ON	118		483,246	355,378	127,868				
BR RP-65% TEA21	Q10	89,025,428	134,514,230	75,120,997	59,393,233				
BR-OFF-TEA21	Q11	20,544,330	74,639,795	648,233	73,991,562				
BR 20%-TEA21	Q12	27,392,439	87,691,181	24,130	87,667,051				
BRIDGE REPL LAPSE							14,762,993	69,783,065	136,962,197